

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STACY S., and JOHN
and MARY ELLEN S.
on behalf of their
daughter, LEIGH ANN
S., a minor,

Plaintiffs,
vs.

GIRARD SCHOOL DISTRICT;
ROBERT SNYDER,
Individually and in
his capacity as Principal
of the Rice Avenue
Middle School; and
GREGORY YARBENTE, a
professional employee
of the Girard School
District,

Defendants.

CIVIL ACTION
C.A. No. 04-150 ERIE

Deposition of:
SARAH CHUZIE

Deposition date:
March 24, 2005

Reported by:
Candance L. Messich

COUNSEL OF RECORD:

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MINI - TRANSCRIPT
KEY - WORD
INDEXING

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1	appropriate or improper?	1 Q What about Leigh Ann? Did you ever observe
2 A	No.	2 Mr. Yarbenet and Leigh Ann together?
3 Q	And you never saw him touch a student?	3 A Yes. Leigh Ann was involved with the
4 A	No.	4 television studio. They did the
5 Q	He has been described as a hugger. Did you	5 announcements in the morning, and I saw them
6	see him hug students?	6 together there.
7 A	No, I don't believe I did.	7 Q Did you ever know Leigh Ann to be in his room
8 Q	Did he ever hug you?	8 before the school day began?
9 A	No.	9 A Yes.
10 Q	Did you ever see him hug any female faculty?	10 Q How did you know about that?
11 A	No.	11 A Leigh Ann was in my homeroom, and there were
12 Q	When you were in his classroom, did you	12 times that she would come in in the morning
13	observe that there was much learning going	13 and tell me that she was there and that she
14	on?	14 needed to be getting ready for the
15 A	No.	15 announcements in the morning.
16 Q	Tell me what you observed.	16 Q And did you excuse her at that time?
17 A	A great deal of chaos. And, again, this is	17 A Yes.
18	my standard that I'm relating. There wasn't	18 Q And was that common practice that students
19	a lot of student-teacher rapport, not a lot	19 would be excused from homeroom or was it
20	of professionalism.	20 because she was involved in the
21 Q	Can you give any examples of his conduct that	21 announcements? How did it happen that you
22	you think might show a lack of	22 excused her?
23	professionalism? Does anything jump to your	23 MR. LANZILLO: Objection to form.
24	mind that you can remember?	24 Go ahead.
25 A	One that bothered me is students referring to	25 THE WITNESS: She would be excused
	Page 13	Page 15
1	him as Yarb as opposed to Mr. Yarbenet. I	1 because I knew that she was giving the
2	thought that was not very respectful, but	2 announcements in the morning and that she was
3	that was probably the worst. A lot of -- I	3 involved in that.
4	guess Gregory was just more of a big kid, and	4 Q What about after school? Did you know her to
5	that's the way he came across.	5 be in his classroom after school?
6 Q	Did you ever observe him exhibiting behavior	6 A There were times after school that I do
7	that you thought was strange?	7 recall her asking to go over there, but I did
8 A	I guess it would depend on what you would	8 not allow it unless she had a pass.
9	define strange as.	9 Q Where would she get a pass?
10 Q	Well, I'm saying that you thought was	10 A From Mr. Yarbenet.
11	strange.	11 Q Were there occasions when she presented a
12 A	That I thought was strange?	12 pass?
13 Q	Right. I mean, that you looked at it and you	13 A Yes, there were.
14	said this is strange or this is odd or this	14 Q What did you understand -- explain to me what
15	isn't the way a teacher should be acting.	15 you understood, you know, passes were and how
16	Did you observe that kind of conduct?	16 students would get them and what they would
17 A	Again, just that there wasn't that -- it was	17 be used for.
18	like he didn't have the authority of the	18 A Passes are given by teachers to come and get
19	teacher. I think that's strange.	19 homework, to get extra help, to maybe do
20 Q	Did you ever observe him and Stacy S█████	20 things for the teachers. It wasn't up to me
21	together?	21 to question why she had a pass. It was just
22 A	No. I'm assuming this is Stacy here, and I	22 up to me to see that she had one so that she
23	don't know that I have ever -- I know that	23 could be excused.
24	I've never met her, and I'm not certain that	24 Q Now, when she had a pass and you excused her,
25	I've ever seen her.	25 were you excusing her from your class?

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1 A Correct, I would not know that.
 2 Q He would hug students in the hall?
 3 A Correct. He usually was in the hall when the
 4 kids were being dismissed from one class to
 5 another, and most people -- I mean, when
 6 you're coming and going from class to class,
 7 if you're passing his room, it would be very
 8 common for him to greet people with a hug.
 9 Q And this is faculty and students?
 10 A Correct.
 11 Q Did you ever see him hug Mr. Manross?
 12 A No.
 13 Q I think one of the other gym teachers you
 14 mentioned was Bill McNally?
 15 A Correct.
 16 Q Did you ever see him hug Bill?
 17 A No.
 18 Q And you don't recall -- you can't recall a
 19 particular male student that he hugged?
 20 A No.
 21 Q In a given week, how many times would he hug
 22 you?
 23 A Well, initially when I transferred into the
 24 building, 15, 16 years ago, he would -- he
 25 constantly tried to greet you with a hug.

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1 That is a how he greeted people. As he got
 2 to know me, he did not do that. He would
 3 come up, say good morning. So I'm sure I had
 4 a sense or I said enough to him that, you
 5 know, please don't do that. He stopped.
 6 Q Did he ever disrupt any of your gym classes?
 7 A Yes.
 8 Q And in this time frame, 1997 to 2002, did he
 9 disrupt your gym classes?
 10 A Yes.
 11 Q How would he disrupt your gym classes?
 12 A If he was there, he was a disruption.
 13 Q Well, I guess my first question is what
 14 business would he have being there?
 15 A None.
 16 Q When would he come there?
 17 A Sometimes if he would have a planned period
 18 and I would have a gym class during that
 19 period, sometimes he would pop in, and his
 20 presence wound the kids up and would wild
 21 them up that you had to pull them back and
 22 calm them down to continue with whatever you
 23 were doing.
 24 Q Did you ever talk to Principal Snyder about
 25 the fact that Yarbenet disrupted your gym

1 class?
 2 A Yes, I did.
 3 Q On how many cases?
 4 A I talked to him one specific time in his
 5 office with the door shut. It happened to
 6 the beginning of the year when Leigh Ann was
 7 a 7th grader.
 8 Q Tell me what you said in that conversation.
 9 A In Mr. Snyder's conversation?
 10 Q Yes.
 11 A I asked him to get Mr. Yarbenet off my class
 12 list and out of my 8th period class jokingly,
 13 and Mr. Snyder said what do you mean? I said
 14 he is constantly cutting through the gym or
 15 appears in the gym, and he needs to not do
 16 that because it's disruptive.
 17 Q Was Leigh Ann in your 8th period that year?
 18 A Yes.
 19 Q Did you observe him giving her attention when
 20 he was -- when he disrupted your 8th period
 21 gym class?
 22 A When he would come in the beginning, he would
 23 go to the end where she was standing, so to
 24 me he was in there looking for her. He
 25 wasn't ever at the other end at the beginning

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1 of the alphabet. He was always down at her
 2 end. A few times if the kids were playing a
 3 game and they would be doing a worksheet in
 4 the back, he would go to her group and sit.
 5 When I noticed that, I would ask him to
 6 leave.
 7 Usually I didn't start class -- if
 8 he would appear at the beginning, I would
 9 say, you know, as soon as you leave, we can
 10 start. Then the kids would be like, oh, come
 11 on, Yarb, please leave, we want to have
 12 class. We learned to play the game with him
 13 to get him out of there. After I talked to
 14 Mr. Snyder, he did not appear as often.
 15 Q When you told -- I try not to repeat myself,
 16 but sometimes I'm not like the most careful
 17 listener. So could you again -- I won't do
 18 this too often. Would you repeat what you
 19 told to Mr. Snyder?
 20 A Yes. I asked him to please get Yarb off my
 21 class list because he was constantly in my
 22 8th period class, which was Leigh Ann's
 23 class, and when we were in the health room, I
 24 assumed that he was cutting through the
 25 health lab to get health materials when he

1 thought -- I'm not asking you to --
 2 A I thought that he was immature as far as not
 3 being on time, staying in his room. I
 4 thought he was a nuisance because he would
 5 filter down into my area to go out and maybe
 6 use the field I'm trying to teach in. I
 7 thought that he was inconsiderate because if
 8 he was doing some fun, cool thing, he
 9 wouldn't care that I would be trying to teach
 10 in that same space. So I thought that he was
 11 a nuisance.

12 Q Now, did you ever have any conversations with
 13 any other faculty members about Gregory
 14 Yarbenet's conduct?

15 A I think it was a common understanding that he
 16 was a nuisance to everybody, and sure,
 17 comments were made, oh, Yarb is doing this
 18 today and his kids are all over the hall. I
 19 think that was pretty common.

20 Q When you say his kids were all over the hall,
 21 what does that mean?

22 A He might be doing some kind of science
 23 project in the hall. Not that that's a bad
 24 thing because Lee Manross and other people do
 25 other things in the hall, but when it's so

1 A Three or four.
 2 Q Where was the administration's office
 3 relative to your --

4 A At the opposite end of the building.

5 Q How many floors is the building?

6 A Three.

7 Q Three floors?

8 A They are on the bottom floor of the north
 9 end, and he is on the second floor on the
 10 south end.

11 Q Was Mr. Snyder in the hallway frequently?

12 A Yes.

13 Q And would you see the assistant principals in
 14 the hallway frequently?

15 A Yes.

16 Q So you personally observed the fact that
 17 groups of students would be locked out of his
 18 classroom?

19 A A couple of times. I would say, guys, what
 20 are you doing? Oh, we can't get back in.
 21 They came from the bathroom or the drinks,
 22 but, like I said, we're supposed to keep our
 23 doors locked when it is shut. Some people
 24 leave them unlocked and some would lock
 25 them. So from time to time, my health room

1 disruptive it filters into your classroom,
 2 then it's not fair to the people around you.
 3 Q Did you know that on occasion he locked his
 4 classroom door?

5 A I did not know that.

6 Q Did you ever hear any teachers talk about
 7 that?

8 A I have seen kids not be able to get back, but
 9 that's true with most classrooms.

10 Q When you say you have seen see kids not be
 11 able to get back, what do you mean?

12 A If I was coming back to the health room,
 13 their kids would be out in the hall. They
 14 would be knocking on the door to get in
 15 because the door was locked.

16 Q His classroom kids?

17 A Correct. They might have gone down to go to
 18 the bathroom or get a drink and now they are
 19 trying to get back into class or maybe they
 20 came in late.

21 Q Would it be a group of kids or just one or
 22 two?

23 A Groups.

24 Q Groups of kids were locked out of his
 25 classroom?

1 would be locked, and I would have to open it
 2 for somebody trying to visit or somebody
 3 trying to get back in the room.

4 Q You say you're supposed to keep the doors
 5 locked?

6 A Well, when we have a Code 10 or a fire drill,
 7 we are to shut the doors and lock them. I
 8 mean, we have certain procedures we do for
 9 certain drills, so it wouldn't be uncommon
 10 for somebody to forget to move the little
 11 switch that goes from lock to unlock. You
 12 know, people have locked themselves out of
 13 their own room and have to go get a janitor
 14 to get in. So the way the doors locked, it
 15 was not an uncommon thing if the door would
 16 have been locked or unlocked.

17 Q But you don't know, for instance, that the
 18 days when you observed groups of students
 19 outside his classroom, you don't know whether
 20 those days followed a Code 10 practice?

21 A I would have no knowledge or recollection of
 22 that.

23 Q And during the course of a given day, most of
 24 your time is spent in your classroom, right?

25 A Correct.

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4 MARY ELLEN S., on behalf :
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5 ANN S., a minor, :
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6 :
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7 GIRARD SCHOOL DISTRICT; :
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8 Individually and in his :
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School; and GREGORY :
10 YARBENET, a professional :
employee of the Girard :
11 School District, :
Defendants : Jury Trial Demanded

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<p>1 they were there with Yarbenet.</p> <p>2 Q. Okay. And how many times did Mrs. Seneta make</p> <p>3 that report?</p> <p>4 A. Once.</p> <p>5 Q. When did she make that report?</p> <p>6 A. I do not remember.</p> <p>7 Q. What do you recall of Mrs. Seneta's report to you</p> <p>8 concerning the students in that room?</p> <p>9 A. That there was a bar put up across the cabinets at</p> <p>10 the top or in the room, and that she had found students in</p> <p>11 there doing chin-ups on the bar.</p> <p>12 Q. Do you have any idea how Ms. Werling knew that</p> <p>13 Yarbenet took Stacy into that room, and Leigh Ann, and you</p> <p>14 didn't know?</p> <p>15 MR. LANZILLO: Objection to the form. First of</p> <p>16 all, I don't think there's any reference to Leigh</p> <p>17 Ann in that statement.</p> <p>18 Q. Okay. So you can answer the question.</p> <p>19 A. Could you repeat it for me.</p> <p>20 Q. Do you have any idea how Mrs. Werling knew that</p> <p>21 Yarbenet had Stacy in that room and how he could have Leigh</p> <p>22 Ann in that room and you not know?</p> <p>23 MR. LANZILLO: Objection to form.</p> <p>24 A. No, I do not know.</p> <p>25 Q. Did the police tell you that Ms. Werling had</p>	<p>1 Q. And where is he now?</p> <p>2 A. I believe at Edinboro University.</p> <p>3 Q. And did you talk to Gregg McClelland about</p> <p>4 Yarbenet after the police took him from the building?</p> <p>5 A. Only when we had to make arrangements for the two</p> <p>6 of us to get Mr. Yarbenet's personal things out of the</p> <p>7 classroom.</p> <p>8 Q. What did you and Mr. McClelland talk about?</p> <p>9 A. Just making those arrangements. Mr. Blucas asked</p> <p>10 us to go in and get things that appeared to be of a personal</p> <p>11 nature out of the room.</p> <p>12 Q. Apparently, Mary Werling -- at least this report</p> <p>13 indicates that Mary Werling said that Yarbenet is a goofy</p> <p>14 kind of guy. Would you agree with that?</p> <p>15 A. Greg liked to be silly, yes.</p> <p>16 Q. By the way, did he recently send you a letter?</p> <p>17 A. Not recently.</p> <p>18 Q. Did he send you a letter since he's been</p> <p>19 incarcerated?</p> <p>20 A. Yes.</p> <p>21 Q. Where is that letter?</p> <p>22 A. I gave it to the superintendent.</p> <p>23 Q. And what did that letter say?</p> <p>24 A. I just -- I read it very quickly when it first</p> <p>25 came, and turned it over. It indicated information about</p>
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<p>1 indicated that she suspected that there was another victim</p> <p>2 of Yarbenet in the school?</p> <p>3 A. No.</p> <p>4 Q. Did Mrs. Werling tell you that?</p> <p>5 A. No.</p> <p>6 Q. Did you have a conversation with Ms. Werling about</p> <p>7 Gregory Yarbenet after he was taken from the school by the</p> <p>8 police?</p> <p>9 A. Not that I recall.</p> <p>10 Q. Did you say -- make a statement to her to the</p> <p>11 effect; 30 years down the drain?</p> <p>12 A. Not that I recall.</p> <p>13 Q. Did you talk to any of the teachers about Yarbenet</p> <p>14 after the police removed him from the school?</p> <p>15 A. No.</p> <p>16 Q. You never talked to one teacher?</p> <p>17 A. No.</p> <p>18 Q. There's an assistant principal McClelland; is that</p> <p>19 right?</p> <p>20 A. Yes.</p> <p>21 Q. And there's an assistant principal Hahesy?</p> <p>22 A. He would have been before Mr. McClelland.</p> <p>23 Q. Did Hahesy serve under your -- while you were</p> <p>24 principal?</p> <p>25 A. Yes.</p>	<p>1 his relationship with Mrs. S. It -- as I recall, that</p> <p>2 pretty much was the basis of the entire letter, was</p> <p>3 information about him and Mrs. S.</p> <p>4 Q. Was that letter addressed to you?</p> <p>5 A. Yes.</p> <p>6 Q. And do you remember when you got that letter?</p> <p>7 A. It was June of some -- you know, it was after</p> <p>8 school was out this past year. But before I left for summer</p> <p>9 break, so June sometime.</p> <p>10 MR. LANZILLO: Ed, I have possession of a copy of</p> <p>11 that letter today. It's not within the scope of</p> <p>12 your discovery request, but I'll be happy to</p> <p>13 provide you with a copy of that over the break.</p> <p>14 MR. OLDS: Okay. Appreciate that.</p> <p>15 Q. Now, you were in the room, you say, when</p> <p>16 Mrs. Seneta was interviewed?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. Do you recall saying that -- do you recall</p> <p>19 Mrs. Seneta telling the police that Yarbenet was in that</p> <p>20 closet or that storage area between her room and his room</p> <p>21 with Stacy S. often?</p> <p>22 A. I do not recall her saying that, no.</p> <p>23 Q. Do you recall her saying that the two were very</p> <p>24 close?</p> <p>25 A. I do not recall that wordage, no.</p>

<p style="text-align: right;">Page 34</p> <p>1 telephone operations.</p> <p>2 Q. Okay. What do you recall her saying to you about</p> <p>3 Yarbenet and Stacy?</p> <p>4 A. That she saw Yarbenet and Stacy walking home</p> <p>5 together.</p> <p>6 Q. What else do you recall her saying to you about</p> <p>7 Stacy and Yarbenet?</p> <p>8 A. I think that's it.</p> <p>9 Q. Did she ever talk to you about Leigh Ann and</p> <p>10 Yarbenet?</p> <p>11 MR. LANZILLO: Karen Kwiatkowski?</p> <p>12 MR. OLDS: Yes.</p> <p>13 Q. Did Karen Kwiatkowski ever talk to you about Leigh</p> <p>14 Ann and Yarbenet?</p> <p>15 A. Not that I recall.</p> <p>16 Q. Did you ever see -- did you ever observe Yarbenet</p> <p>17 interact with female students in a way that you thought was</p> <p>18 inappropriate?</p> <p>19 A. No.</p> <p>20 Q. If a -- did you ever see him walk down the hall</p> <p>21 with a crowd of girls around him?</p> <p>22 A. No.</p> <p>23 Q. Did you ever see him -- I think you testified that</p> <p>24 you never saw him hug a female student.</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Did you ever see him joking with students?</p> <p>2 A. Yes.</p> <p>3 Q. And when he joked with students, what would --</p> <p>4 what kind of activity was it? Verbal jokes?</p> <p>5 A. Verbal jokes.</p> <p>6 Q. Did other teachers ever come to you and complain</p> <p>7 about Yarbenet's inability to maintain control of his class?</p> <p>8 A. No, not inability to control.</p> <p>9 Q. What do you recall them complaining about?</p> <p>10 A. That his teaching style was different than theirs,</p> <p>11 and that it was more relaxed.</p> <p>12 Q. And who were those teachers?</p> <p>13 A. Mrs. Seneta and Mrs. Chuzie.</p> <p>14 Q. Did Karen Kwiatkowski, going back to her, did she</p> <p>15 tell you that she observed Yarbenet kiss Stacy on the head?</p> <p>16 A. No, I do not recall that.</p> <p>17 Q. Did she tell you that she observed him with his</p> <p>18 arms around Leigh Ann and kissing Leigh Ann on the head?</p> <p>19 A. No, I do not recall that.</p> <p>20 Q. Did you ever -- there was an elevator at the</p> <p>21 school?</p> <p>22 A. There's two elevators.</p> <p>23 Q. Did she -- did Ms. Kwiatkowski ever tell you that</p> <p>24 she observed Yarbenet giving rides to female students on the</p> <p>25 elevators?</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Did you ever see him tickle a female student or in</p> <p>2 any way touch a female student?</p> <p>3 MR. LANZILLO: I take it the otherwise touch kind</p> <p>4 of subsumes the tickle.</p> <p>5 MR. OLDS: I guess, yeah.</p> <p>6 A. I mean, there were times where I would see him</p> <p>7 when he's at his door during class changing, and kids are</p> <p>8 coming into his room, and he would pat them on the back or</p> <p>9 put his arm around them and "how you doing," that sort of</p> <p>10 thing, so.</p> <p>11 Q. Females?</p> <p>12 A. And males.</p> <p>13 Q. You saw him hug males?</p> <p>14 MR. LANZILLO: Objection to form. He didn't say</p> <p>15 anything about hugging anybody.</p> <p>16 A. Pat on the back.</p> <p>17 Q. Oh, I'm sorry.</p> <p>18 A. Arm on his shoulder, you know.</p> <p>19 Q. Put his arm around them, and I converted that to a</p> <p>20 hug. But did you ever see him put his arm around a male</p> <p>21 student?</p> <p>22 A. Yes.</p> <p>23 Q. And when he would pat them, where would he pat</p> <p>24 them?</p> <p>25 A. On the shoulder.</p>	<p style="text-align: right;">Page 37</p> <p>1 A. No, I do not recall that at all.</p> <p>2 Q. Did she tell you that she found Yarbenet in his</p> <p>3 classroom, with the lights out, with girls in his classroom?</p> <p>4 A. With students in his classroom, yes.</p> <p>5 Q. With the lights out.</p> <p>6 A. Correct.</p> <p>7 Q. And did she tell you that among the students that</p> <p>8 she found in his classroom with the lights out was Stacy</p> <p>9 S. or Leigh Ann S.?</p> <p>10 A. I don't remember any specific students being</p> <p>11 identified.</p> <p>12 Q. What did she say to you about Yarbenet being in</p> <p>13 his classroom with students with the lights out?</p> <p>14 A. That there were times when she was doing the hall</p> <p>15 monitoring in the morning before homeroom, when -- as she</p> <p>16 would go by, because she was in charge of the second floor</p> <p>17 hall, that there were times when she would find that</p> <p>18 students were in Yarbenet's room, in there with him, but the</p> <p>19 lights were not on.</p> <p>20 Q. And this would be before class?</p> <p>21 A. Before homeroom.</p> <p>22 Q. Before homeroom.</p> <p>23 A. Um-hum.</p> <p>24 Q. How many times did she tell you that?</p> <p>25 A. I can recall two specific instances.</p>

<p style="text-align: right;">Page 82</p> <p>1 A. Okay. 2 Q. And maybe put a time frame to those. 3 A. Sure. Well, the first several years when I was a 4 math teacher, I really had no real interaction with him at 5 all. Everything that -- every interaction that the faculty 6 had was pretty much done, at that time, on a departmental 7 level. So I didn't really have much interaction at all. 8 Then in my years as guidance counselor, the 9 involvement that I would have with him at that point is if 10 there were students in his room having academic difficulty 11 or if we were having a parent team meeting for a student, of 12 all the parents there. At that time my impression was that 13 he was a teacher that the students enjoyed being in class 14 with. That the parents seemed to have a rapport with. That 15 they, you know, always greet him and speak with him 16 positively and that. 17 Obviously, then, when I became principal, my 18 interactions with him changed, because now I was his 19 supervisor. He was a very intelligent teacher. Very highly 20 regarded in the community. Well-known nationally for his 21 work with NASA and that sort of thing. But at the same time 22 unconventional, in that for a secondary teacher his 23 approaches were more of an elementary style, which fit a 24 sixth grade program in the middle school. 25 An example of that is on test day, he would always</p>	<p style="text-align: right;">Page 84</p> <p>1 NASA stuff. So, I, you know, could ascertain from that, 2 that, yes, he really had done work for NASA. 3 Q. And when you say he went there every summer, are 4 you talking Florida? 5 A. He usually went to Florida, yes, at least for some 6 time. And sometimes to Houston. 7 Q. Okay. What was your -- tell me what your reaction 8 was to the way he dealt with students. I mean, I'm sure you 9 saw him interact with students. Tell me what you -- your 10 impression of that was. 11 A. As a teacher, he was one who tried to help the 12 kids understand things as best they could. He worked well 13 with learning support and lower-functioning students; he 14 would help them as well. He just seemed generally 15 interested in and was excited about earth/space science, and 16 wanted to convey that to his students. 17 Q. Did you ever see him act in what you would 18 consider juvenile fashion? I guess what you've described 19 how he had his picture taken. 20 A. Right. 21 Q. Would you -- 22 A. That was definitely juvenile behavior. 23 Q. Did you ever observe any other juvenile behavior 24 on his part? 25 A. Not what I would consider juvenile. Some</p>
<p style="text-align: right;">Page 83</p> <p>1 wear his bright Hawaiian shirt, and that's how the kids knew 2 that it was test day, and that sort of thing. Very kind of 3 easy going. And yet whenever the things as building 4 principal that we would require of him on a timely basis, 5 you know, report card grades, any of that, he was always 6 diligent about getting his duties completed as expected. 7 Q. What was his -- what did he do with NASA? 8 A. I'm not exactly sure. But it had to do with 9 design of parachutes, as regarding their space craft 10 re-landing and the parachute aeronautics that were involved 11 in that. 12 Q. Now, do you know that he had involvement with 13 NASA, or is that just something that he said? I think you 14 said he had a national reputation? 15 A. Yes. 16 Q. Where do you get that he had a national reputation 17 from? 18 A. He had had articles published. I can't begin to 19 give you the names of it. Some scientific publications. He 20 would periodically take leaves of absence to go do work, 21 subcontracted work with NASA. He would usually go there 22 also each summer. I'm not going to come up with the name 23 now. But as one of the speakers at our academic assemblies, 24 a NASA astronaut came in, and Greg knew him, and the 25 astronaut knew Greg. And I was with them as they talked</p>	<p style="text-align: right;">Page 85</p> <p>1 secondary teachers might have considered wearing even the 2 Hawaiian shirt on test day juvenile. But from an elementary 3 perspective, that wasn't. 4 Q. Okay. And is that what -- when you say that it 5 was he had an elementary style, give me some other 6 illustrations of that. 7 A. Where it was -- it was more hands-on learning as 8 opposed to strict lecture. Letting the children work 9 together in groups. Having much more project-based 10 learning, making the kites, flying the kites. You do this 11 project where you dropped the eggs and do the velocity of. 12 Just a lot more hands-on learning, which is typically more 13 of an elementary style than secondary. 14 Q. What was the community reaction to his arrest? 15 MR. LANZILLO: Objection to form. Go ahead. 16 Q. And these charges? Let me put it like this. Did 17 you learn of any community reaction? 18 A. I mean, not specifically. 19 Q. Did parents come to you? 20 A. No. 21 Q. Did other faculty -- did anyone talk to you? 22 A. About? 23 Q. Yarbenet. 24 A. About Yarbenet? 25 Q. Yeah.</p>

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STACY S., and JOHN
and MARY ELLEN S.
on behalf of their
daughter, LEIGH ANN
S., a minor,

Plaintiffs,
vs.

GIRARD SCHOOL DISTRICT;
ROBERT SNYDER,
Individually and in
his capacity as Principal
of the Rice Avenue
Middle School; and
GREGORY YARBENTE, a
professional employee
of the Girard School
District,

Defendants.

CIVIL ACTION
C.A. No. 04-150 ERIE

Deposition of:
MARY WERLING

Deposition date:
March 24, 2005

Reported by:
Candance L. Messich

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KEY - WORD
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1 classroom?
 2 A Afterwards I knew, and I think it was -- I
 3 don't know if it was shortly after or a while
 4 after that, but...
 5 Q And how did you learn that?
 6 A It was secondhand information, and I'm not
 7 sure who told me that.
 8 Q What else did you learn? What else did you
 9 learn afterwards about his conduct?
 10 A Well, I'm not still not sure exactly what
 11 happened, but I learned that it was not
 12 consensual.
 13 Q Did you learn anything else?
 14 A No, not factual.
 15 Q Going back to Bill McNally's statements. Was
 16 he joking when he said that?
 17 A He was being sarcastic, yes.
 18 Q Was that --
 19 A But it was true that he was always happy.
 20 Q When he said that, like did you guys laugh?
 21 I mean, was it seen as a joke?
 22 A No, because we were upset with him because he
 23 made us all look bad.
 24 Q Were you the individual who advised the
 25 police that maybe they should talk to

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1 Q So Mrs. S. called you up. What did she
 2 say to you?
 3 A She said if I would come to Pam's house,
 4 which is her sister's house, and she was my
 5 friend, and I knew where she lived. If I
 6 would come there, Stacy was starting to talk,
 7 and that's why I was called.
 8 Q So did you go?
 9 A So I went right away, yes.
 10 Q And who was there?
 11 A Stacy and her mother and Pam and her husband,
 12 and I think that's all.
 13 Q Was Amy Mulligan there?
 14 A No.
 15 Q Tell me what was going on when you arrived at
 16 Pam's house.
 17 A It's a big blur. It was very emotional, a
 18 lot of crying, and I didn't know exactly what
 19 was going to happen, but when I did know, it
 20 was very, very traumatic for me, so I'm not
 21 even sure what was said.
 22 Q How was Stacy acting?
 23 A You know, she was quiet, and other than that,
 24 I know that she talked to me a little bit,
 25 but mostly she was just talking and said a

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Page 19

1 Leigh Ann S.?
 2 A Yes. No, to her mother.
 3 Q Tell me how that happened.
 4 A Well, they asked me if I thought there might
 5 be any other people in danger.
 6 Q Who asked you that?
 7 A Mr. Blucas or -- I'm trying to think of the
 8 police chief's name now.
 9 Q VanDamia?
 10 A No, the police chief at the time who came
 11 in. Maybe it was VanDamia. I don't
 12 remember.
 13 Q Let's go back to -- how did you happen to be
 14 talking to Mr. Blucas about this?
 15 A Because I was called down to the office, and
 16 they asked me what I knew about it.
 17 Q And do you know why they called you down?
 18 A Yes, because I was called the night before by
 19 Stacy's mother.
 20 Q And what night was that?
 21 A The night before Mr. Yarbenet was fired.
 22 Q And that was really the day that he was
 23 arrested, right? He wasn't fired until later
 24 on, right?
 25 A I don't know.

1 few facts about what had happened, and I do
 2 not recall what she said. I was just shaken
 3 to the core. So then we decided that from
 4 then on, I do remember, that I would leave,
 5 and they were calling children's services.
 6 Q Why did they decide that you should leave?
 7 A Well, they didn't. I just -- it was like I
 8 was the first step, and then this was
 9 going -- we agreed that that should be next,
 10 and that if I would be needed, I would have
 11 been glad to talk to them.
 12 Q After you were there, did you call Mr. Snyder
 13 or Mr. Blucas or anything?
 14 A No, because they said that they were going to
 15 call children's services, and I was not to
 16 talk to anybody, and that the police would be
 17 involved, and they would notify the
 18 superintendent, and it would go that way.
 19 Q And then you were called to a meeting with
 20 the police officer?
 21 A First I believe I just went down and talked
 22 to Mr. Blucas, and then afterwards, after
 23 that, then he decided what to do. He might
 24 have talked to somebody else, and then I was
 25 called down about an hour later again, and

	Page 20	Page 22
1 then the police officer was there. I'm 2 thinking it was Chief Bucho, but it might 3 have been VanDamia.	1 Q And so were there computers in the library? 2 A Yes.	
4 Q So do you have any recollection of what was 5 said to you by Mr. Blucas?	3 Q Would she have to get your permission to go 4 to Mr. Yarbenet's room? 5 A Yes.	
6 A Yes. He said what do you know about this, 7 and I'll never forget it, and then I said 8 about what, and he said about this Yarbenet 9 thing, and so I told him exactly what had 10 happened the night before.	6 Q Who suggested that? 7 MR. LANZILLO: Objection.	
11 Q Did he ask you what your impressions were or 12 what you --	8 Q How did that come up? 9 A The permission?	
13 A He said that he wanted to know if I thought 14 that this had actually happened, and I said, 15 yes, I thought it did.	10 Q Yes, that she would leave the library. 11 A Oh, she had been working on the computer in 12 Mr. Yarbenet's classroom in developing her 13 thesis at another time. It wasn't just 14 during independent studies. Like they were 15 encouraged to work on them outside of class, 16 not just once a week. I told them that would 17 not be enough.	
16 Q And do you think he summoned you because he 17 knew that you had been at the S. house?	18 So she had been working on it, and 19 as I recall, it was on a topic that he had 20 thought of. So he was giving her input, and 21 they were working on it before school after 22 the television station work.	
18 A Yes.	23 Q Who told you that? 24 A I'm not sure, Stacy or Yarb.	
19 MR. LANZILLO: Objection to form. 20 Go ahead.	25 Q And when was Stacy in the library? What time	
21 THE WITNESS: I think that they 22 told him.		
23 Q Did he tell you why he summoned you?		
24 A No, I don't think so.		
25 Q You wrote a statement, I believe?		
	Page 21	Page 23
1 A Yes.	1 of day?	
2 MR. OLDS: Let's mark that as 3 Exhibit 6.	2 A I think it was midmorning because I believe I 3 left then to go to Elk Valley.	
4 (Whereupon, Deposition Exhibit No. 5 6 was marked for identification.)	4 Q You say that Yarbenet, the only time he would 5 come to the library was when Stacy was there?	
6 Q And it indicates that you wrote the statement 7 on 3-28-02, is that right?	6 A When I was there it was about the only time 7 he came to the library, yes.	
8 A Yes.	8 Q What did you think about -- before he was 9 arrested, what did you think about the way he 10 interacted with Stacy?	
9 Q And why did you write this statement?	11 A I trusted him because he did a lot of 12 networking. He made sure that he spoke to 13 everybody, and if a teacher comes to get a 14 student for a legitimate reason and the 15 student is working hard and they're helping 16 them with a project, I wouldn't have a reason 17 to not trust them.	
10 A Because the police asked me to write it.	18 Q Well, what other teachers took students out 19 of the library?	
11 Q You indicated that Stacy would often leave 12 the library on Wednesday to go to 13 Mr. Yarbenet's room to use the computer?	20 A Sometimes they would come and get them if 21 they hadn't finished tests or something like 22 that.	
14 A Yes.	23 Q What other teachers were working with gifted 24 students to write their thesis?	
15 Q Mr. Yarb would come to the library to say 16 hello, but only when Stacy was there or 17 looking for Stacy, is that accurate?	25 A None, except the librarian. Mrs. Ross would	
18 A Yes.		
19 Q How long had that conduct been going on?		
20 A I cannot be sure.		
21 Q Why was Stacy in the library on Wednesdays?		
22 A Every Wednesday we went to the library to 23 work on our independent studies.		
24 Q Was that part of the gifted program?		
25 A Yes.		

<p style="text-align: right;">Page 32</p> <p>1 A Mr. Blucas said what do you know about this, 2 and I said what, and he said the Yarbenet 3 thing, and then I knew what he meant. 4 Q And then the police officer was there, right, 5 or was that just a meeting between you and -- 6 A The first time there was no policemen. The 7 first time there was Mr. Blucas. 8 Q And then later that day or was it another day 9 that you met with the police officer? 10 A No, about an hour later, then the police were 11 there. 12 Q And at that first meeting, you just told 13 Mr. Blucas what you had observed or what you 14 had learned the day before, right? 15 A He asked me at one of these meetings if I 16 believed that that could have happened, and I 17 said yes, and so there was some conversation 18 with that. So I may have said more than 19 that. 20 Q And tell me as much of that conversation as 21 you can recall. 22 A Well, I see in here that I said that he was 23 goofy. 24 Q Well, that was with the police officer. Is 25 that the conversation that you're recalling?</p>	<p>1 annoying. 2 Q Was there always a Code 10? 3 A No. 4 Q So that was just -- Code 10s are a practice, 5 right? 6 A Yes, but we were supposed to be having our 7 doors locked in case there would be an 8 emergency. 9 Q Okay. So when you talked about the doors 10 always being locked, what you're trying to do 11 is describe your understanding of a new 12 district policy that required doors to be 13 locked? Is that what you were trying to do? 14 A No, I was describing my frustration that when 15 I would go to try to check on Stacy I 16 couldn't get in the door. 17 Q At Yarbenet's? 18 A Yes. 19 Q So why would you go to check on her? 20 A Because I tried to make sure that she was 21 working on her topic because she wasn't 22 making a lot of progress on it. 23 Q So the door would be locked? 24 A Yes. 25 Q The window would be covered?</p>
<p style="text-align: right;">Page 33</p> <p>1 A Maybe, but I might have told the same thing 2 to Mr. Blucas. 3 Q So the police officer writes, and I'm quoting 4 from the report, the police officer writes 5 that you, quote, advised that the doors were 6 always locked to the rooms in the school, end 7 quote. 8 A Yes. 9 Q And what did you mean by that? 10 A Well, we had a Code 10 that we were learning, 11 and we had to have the doors locked, and some 12 of us were still getting used to that because 13 we never had to do that. So sometimes I 14 would not -- I would forget to lock my door, 15 and I would be reminded that if I didn't do 16 that, then I would be in violation of the 17 code, because if we had an incident in the 18 school where the doors needed to be locked 19 and mine weren't locked, I might not be able 20 to get over there and lock them fast enough, 21 so we were just supposed to keep them 22 locked. But it was annoying if you locked 23 yourself out or if you were trying to get 24 into a room to retrieve something and the 25 door was locked. So sometimes it was</p>	<p>1 A Yes. 2 Q Would you knock on the door? 3 A Yes. 4 Q And what would happen? 5 A Nothing. Nothing. And so I think if she's 6 upstairs in that TV studio, I can't leave my 7 class and go up there, but I could run across 8 the hall, which I wasn't even supposed to be 9 doing, so I couldn't spend any time trying to 10 find out where she was. 11 Q Did you tell anyone about this? 12 A Just Stacy, and then I would yell at 13 Yarbenet. 14 Q Tell me what you would say to Yarbenet. 15 A Well, why does she have to work over there on 16 the computer, and he would say, well, she's 17 got it all on disk and/or she's go it on the 18 hard drive, and I don't know what excuse he 19 gave, but it was something that -- I don't 20 know that much about computers, so it was 21 something that I believed. 22 Q So you believed him? 23 A Yes, I did. See, I also had kids who would 24 go down to the computer lab on the first 25 floor sometimes and work on computers if we</p>

Page 36		Page 38
1 didn't have enough available, because at that	1 Q And why didn't you tell Snyder?	
2 time we didn't have a lot of computers as	2 A Because I trusted Yarbenet. Actually, I was	
3 there are now in the library. We were just	3 looking for Stacy to see if she was working.	
4 starting to get them in there. So we might	4 It didn't even occur to me that he would be	
5 have like six of them in the library, and if	5 trying to hurt her or I would have broken the	
6 there weren't enough available, then some	6 window.	
7 kids could go to the computer lab downstairs.	7 Q And the rooms weren't supposed to always be	
8 Q The police officer quotes you as saying,	8 locked, were they?	
9 quote, she advised that there is a room	9 A Yes.	
10 between Yarbenet's room and Mrs. Seneta's	10 Q Even if there wasn't a Code 10?	
11 room. Yarbenet would often have the victim	11 A Yes, and if you didn't want to have your --	
12 in this room, end quote.	12 Q If there was not a Code 10, were the rooms	
13 MR. LANZILLO: Objection. It's not	13 supposed to be locked?	
14 quoted. That's the narrative from the	14 A Yes, and if you wanted to leave your door	
15 report.	15 open, you could, but if your class was in	
16 MR. OLDS: Well, yes, I'm quoting	16 session, in regular session, then you were to	
17 the report.	17 have the door locked. And it was annoying,	
18 MR. LANZILLO: Okay, but you're	18 as I said, because if kids would go to the	
19 purporting to say that the report quotes the	19 bathroom, then somebody would have to open	
20 witness.	20 the door for them.	
21 MR. OLDS: No, I quoted the	21 Q When did the policy come into effect that the	
22 report. Let the record show that I quoted	22 rooms were always to be locked?	
23 the report, and then I'm going to ask the	23 A I don't know.	
24 witness whether or not she made that	24 Q Now, why were you concerned about Leigh Ann?	
25 statement.	25 A Because Leigh Ann had come from St. John's,	
Page 37		Page 39
1 Q Is it an accurate depiction of what you said?	1 and Yarbenet had taken her under his wing to	
2 A I'm not sure that I stated that they were in	2 help her catch up in science I think was the	
3 that room.	3 excuse.	
4 Q Okay.	4 Q And how did you know that?	
5 A They had asked me if there was any other	5 A Oh, I don't know. I drove the girls to	
6 place that she could have been, and I know	6 school, and sometimes Leigh Ann came with us	
7 that I knew that there was a room there,	7 and sometimes she was late, and her mom had	
8 another room, but I wouldn't have known if	8 to bring her, but I took the older girls.	
9 anyone were in the room because I couldn't	9 Q Did you ever see Yarbenet with Leigh Ann?	
10 get to that room from either side.	10 A Oh, yes.	
11 Q Well, you couldn't even get into his	11 Q On what occasions?	
12 classroom, right?	12 A Oh, I can't be sure, just anytime at school	
13 A No.	13 that I would see that she had to come early	
14 Q And this was during the school day?	14 or come to school late. She may have stopped	
15 A Yes.	15 in his classroom, I don't know.	
16 Q So did you tell the police that you would	16 Q But you saw her with --	
17 release her to Yarbenet, that you would go	17 A Oh, yes.	
18 look for her, and that you couldn't find her?	18 Q Did you see the two of them alone?	
19 A Correct.	19 A No.	
20 Q Is that what you told the police?	20 Q Did you know that she was in his room alone	
21 A Correct.	21 with him?	
22 Q Did you ever tell Mr. Snyder that before	22 A One time she came to school, and I brought	
23 Yarbenet was arrested?	23 her, and she had been sick or some long	
24 A No, and that's one of the things that made me	24 vacation happened or something, and I don't	
25 feel very bad.	25 know if she was still sick or whatever, but	

1 she had a lot of work to make up, and I even
 2 took her to his room.
 3 Q Were the two of them alone?
 4 A Yes, it was before school.
 5 Q Do you remember how she was acting that day?
 6 A Yes, she was acting sick.
 7 Q Did you ever hear teachers talking that
 8 Yarbenet had odd relationships with female
 9 students?
 10 A No, I just remember people saying Yarbenet
 11 was odd.
 12 Q And do you recall whether anyone said why
 13 they thought he was odd?
 14 A I hate to say that we were bigots, but none
 15 of us really liked the fact that he was a
 16 Jehovah Witness, I think, mostly.
 17 Q How did you know that? I mean, how did that
 18 come out?
 19 A It's a small town. Somebody had known his
 20 history and that he had been in a Catholic
 21 seminary when he was -- I don't know if it
 22 was high school or beginning of college. The
 23 story went that -- the secondhand story went
 24 that he had been in a group of young
 25 seminarians with his first wife, and they

1 Q Did any teacher tell you that they had?
 2 A I think Mrs. Kwiatkowski told me that she was
 3 going to go down and tell him when the girls
 4 were -- there's so many girls around his door
 5 that we had to walk around the girls
 6 to get through the hall, and one of
 7 Mrs. Kwiatkowski's rules that she enforced is
 8 that we were to keep the center of the hall
 9 clear and the kids were to walk down on one
 10 side, the right side, and stay to that side
 11 as much as they could.
 12 Q But you don't recall any teacher telling you
 13 she was going to do that?
 14 A No. I only heard about that after the fact.
 15 Q Did you have suspicions that Yarbenet
 16 molested other girls besides Stacy and Leigh
 17 Ann?
 18 A No. I would have said something at the time.
 19 Q Now looking back, can you think of other
 20 girls that he molested?
 21 A No. My daughter was in his class, and I
 22 called her right way after I knew this, and
 23 she said that she was in the class for a
 24 year, and she would never have believed it,
 25 that he was one of the most friendly

1 invited some Jehovah Witnesses in for a
 2 discussion, and at that time he had accepted
 3 that faith.
 4 Q Did he talk about that faith with you?
 5 A If so, it was regarding pledging the flag,
 6 that he did not have his class pledge the
 7 flag, and that was another annoyance to
 8 everyone.
 9 Q After talked to the police, did you talk to
 10 Leigh Ann's mother?
 11 A No, I didn't. They said that they would
 12 contact her, and I should not talk about
 13 anything.
 14 Q Eventually did you talk to her?
 15 A Leigh Ann's mother and I are friends, so we
 16 go back and forth to each other's houses, and
 17 we may have -- it was so much involved with
 18 the police that we didn't have much to say
 19 about that, other than we just didn't like
 20 Yarbenet. So we talked about him, but not
 21 much more than that.
 22 Q Did you ever hear that any teacher had gone
 23 to Snyder to talk about Yarbenet and the way
 24 he related to female students?
 25 A I don't recall.

1 teachers. I said, yeah, he was friendly.
 2 Q Aside from the two instances where you met
 3 with Mr. Blucas, one with the police and
 4 one with just him, did you ever talk
 5 to Mr. Snyder at all about what Yarbenet had
 6 done?
 7 A Yes. I remember one thing in the office. I
 8 mostly remember profound things, like what
 9 Mr. McNally said. After school, I think the
 10 same day of the firing, we were just standing
 11 in the office, and I'm not sure who all was
 12 there except Mr. Snyder and the secretary,
 13 Mrs. Mumford, and he said -- there was a long
 14 quiet, and we all knew what we knew, what
 15 each other knew, and he said 30 years wasted,
 16 30 years.
 17 Q What did you think he meant?
 18 A That after 30 years of being a teacher, we
 19 thought that he would be losing his
 20 retirement money, and it turns out that he
 21 was not.
 22 Q So Mr. Snyder was concerned about him losing
 23 his retirement money?
 24 MR. LANZILLO: Objection to form.
 25 Q Is that what you thought he meant?

1 A. Yes. I was subbing in different places, yes.
 2 Q. And you teach 8th grade science, right?
 3 A. No. I teach 7th grade science.
 4 Q. And I take it that you knew Mr. Yarbenet; is that
 5 right?
 6 A. That's correct.
 7 Q. Were you -- did you and he socialize outside the
 8 school?
 9 A. No. I live quite a distance away. I drive 27
 10 miles one way, so I would not be up to do that.
 11 Q. And can you tell me where you were when you heard
 12 that he was being taken out of the school for molesting
 13 young girl students?
 14 A. I was in the school building, I know that, that's
 15 been a while back.
 16 Q. Do you remember how you found out about it, that
 17 he was being taken out of the school building and being
 18 charged with molesting girls?
 19 A. To the best of my recollection, I think it was a
 20 word-of-mouth thing and I couldn't say how.
 21 Q. Where was your room relative to his room?
 22 A. My room was next to his and there was a wall
 23 separating the two rooms.
 24 Q. Did you have occasion to be in his room
 25 frequently?

1 A. I guess what I would see would be personal space,
 2 proximity, that I would feel uncomfortable with, things like
 3 that.
 4 Q. Tell me what you mean by personal space,
 5 proximity.
 6 A. Standing very close, arm around somebody,
 7 something like that.
 8 Q. With his arm around female students?
 9 A. Yes.
 10 Q. Where would he be when you would observe him
 11 standing with his arm around female students?
 12 A. In the hallway outside his door.
 13 Q. Did you ever see him with his arm around either
 14 Stacy or Leigh Ann?
 15 A. I honestly don't think I did.
 16 Q. Was the window to his classroom door covered so
 17 you couldn't see in the classroom?
 18 A. There was something on there at one time.
 19 Q. Do you remember what it was?
 20 A. Couldn't tell you that now, it's been quite a
 21 while.
 22 Q. Did you ever bring that condition to anyone's
 23 attention, the fact that you couldn't see into his
 24 classroom?
 25 A. I don't recall having done that, no.

1 A. No.
 2 Q. There was a supply closet -- or there was a supply
 3 room or closet next to his room; are you familiar with that?
 4 A. Uh-huh.
 5 Q. Were you ever in that room?
 6 A. On a few occasions.
 7 Q. Did you keep supplies in that room as well?
 8 A. No.
 9 Q. By any chance did you share any facilities with
 10 Mr. Yarbenet like a lab or anything like that?
 11 A. Not really.
 12 Q. Had you ever observed -- personally observed
 13 Mr. Yarbenet engage in conduct that you thought was
 14 improper?
 15 A. No.
 16 Q. And did you ever see him engage in conduct that
 17 you thought was questionable?
 18 MR. DEVLIN: Object to form. You can answer.
 19 Q. In your mind --
 20 A. Pardon me?
 21 MR. DEVLIN: I'm just placing an objection to the
 22 form, I do that for the record. You can answer
 23 his question.
 24 A. Yes.
 25 Q. Tell me what that was.

1 Q. Did you ever -- do you recall whether you ever
 2 talked to Robert Snyder or either of the assistant
 3 principals, that would be Mr. Hahesy or Mr. McClelland,
 4 about your observations of Mr. Yarbenet having his arm
 5 around students or standing too close to students?
 6 A. No.
 7 Q. Did you talk about that matter with other faculty?
 8 A. After the fact, yes.
 9 Q. Was there a school rule that prohibited teachers
 10 from having physical contact with students?
 11 A. I'm not specifically aware of that; but from my
 12 own personal opinion, I would not do that.
 13 Q. How would he have -- describe what you observed
 14 specifically in terms of him having his arms around
 15 students.
 16 A. What I can recall was him putting his arm around
 17 her shoulder in the hallway.
 18 Q. And you observed that on more than one occasion?
 19 A. I don't recall that it was more than one occasion.
 20 Q. So you saw it on one occasion?
 21 A. Uh-huh.
 22 Q. You don't remember who the student was?
 23 A. No.
 24 Q. Was it a female student?
 25 A. To my knowledge, yes.

1 Q. Was it before or after -- was it when Stacy was in
 2 the Girard School District or was it prior to that? When I
 3 say Girard School District, was it when Stacy was at the
 4 middle school or was it prior to that?

5 A. I'm not clear on that part, it's been a quite a
 6 while back.

7 Q. Did you talk to him when you saw him in this
 8 state?

9 A. I don't recall because under the circumstances the
 10 hallway was filled with a number of students, the classes
 11 were changing, I was going down the hall for something, and
 12 I don't recall that I did or did not talk to him.

13 Q. But apparently that situation made an impression
 14 on your mind.

15 A. Uh-huh.

16 Q. Can you tell me why you think it made an
 17 impression on your mind.

18 A. Because from my perspective, I would feel
 19 uncomfortable doing something like that.

20 Q. Was it an intimate hug?

21 A. It didn't seem to be, no.

22 Q. Did you ever enter his classroom when he was alone
 23 with one student?

24 A. There was one occasion, yes.

25 Q. Tell me about that.

1 A. Yeah.

2 Q. What made you feel uncomfortable?

3 A. Just a startled surprise, I guess, on his part.
 4 Basically, I wasn't expecting anybody to be in there and I
 5 just stopped to grab some lab equipment.

6 Q. Because the lights were out.

7 A. Uh-huh.

8 Q. And you say that you thought that he was startled.

9 A. I think it was a startled reaction, yes.

10 Q. Do you remember when this happened, what year?

11 A. Oh, golly, it's back when he had that tornado
 12 generator and that was some time ago. I couldn't tell you
 13 that.

14 Q. Tell me what the tornado generator was.

15 A. It was a device to create a tornado vortex using
 16 PVC pipe and a fan and I think it was smoke or something.
 17 It was roughly four or five feet tall in the back of the
 18 room.

19 Q. And there was also a computer back there.

20 A. Yeah. His computer was back on the desk in the
 21 back of the room.

22 Q. Was he touching that student when you walked in?

23 A. I don't recall that happening.

24 Q. Was he close to the student?

25 A. I'm trying to remember, they were both in the back

1 A. I was looking for equipment to set up for
 2 something, test tube beakers or something, and I stepped
 3 into his classroom, and I can't even tell you who the person
 4 was now, they were in the back of his room.

5 Q. Was it a female?

6 A. To my knowledge, if I remember, yes.

7 Q. Were the lights on or off?

8 A. The lights were off at that time.

9 Q. They were off?

10 A. Yes.

11 Q. And he was in the classroom with that individual?

12 A. (Witness nods head.)

13 Q. You have to say yes or no for the court reporter.

14 A. Yes.

15 Q. What did you observe on that occasion?

16 A. Mr. Yarbenet and the student were in the back of
 17 the room, I was not clear as to what they were doing. He
 18 had some equipment back there, notably a tornado generator
 19 and his computer in the back of the room, and I just stepped
 20 in to grab some glassware and run in and out.

21 Q. Did you talk to him on that occasion?

22 A. I'm sure I did because I was looking for some
 23 equipment.

24 Q. Did you feel uncomfortable entering into the
 25 classroom and finding him alone with a student?

1 of the room. As far as proximity goes, I don't recall that,
 2 because I was in a hurry, I needed some stuff right away,
 3 and I grabbed the stuff and took off.

4 Q. Did you talk about that encounter that you had
 5 with him in his room, when there was a student there without
 6 lights on, did you talk about that encounter with anyone?

7 A. No.

8 Q. Did you ever attend any training on sexual
 9 harassment while as a teacher for the Girard School
 10 District?

11 A. We had an in-house class at one time quite a few
 12 years ago on a teacher workday.

13 Q. And do you remember what the topics were, what
 14 topics were discussed in that class?

15 A. It's been quite a while back and it was at the
 16 high school.

17 Q. Do you know who the Title IV officer of the Rice
 18 Avenue Middle School was?

19 A. I'm afraid I don't know that.

20 Q. Did you think -- when you encountered him alone in
 21 his classroom in the dark with a student, did you think that
 22 there was something wrong with that?

23 A. I felt a little surprised, but as I said, I was
 24 rushing between classes to grab some equipment and run back
 25 out.

1 Q. Do you know whether the student that you observed
 2 in the classroom on that situation with him was the same
 3 student that he had his arms around in the hallway?
 4 A. I don't think so.

5 Q. Did you ever have any discussions with Mr. Snyder
 6 that involved anything about Gregory Yarbenet? Did you ever
 7 talk to Mr. Snyder about Gregory Yarbenet?

8 A. I can't recall any situations where we discussed
 9 things about Greg.

10 Q. Did you ever complain to Mr. Snyder about Gregory
 11 Yarbenet?

12 A. No.

13 Q. Did you ever -- what was your opinion of Gregory
 14 Yarbenet as a teacher?

15 A. I would not rate him as a top-notch teacher.

16 Q. Why is that?

17 A. Well, because the methodology that he used in the
 18 classroom did not seem to prepare them well for coming into
 19 7th grade.

20 Q. Would you typically socialize with the same group
 21 of teachers at school on a daily or weekly basis? In other
 22 words, to make that a simpler question, were there some
 23 faculty members that you were friendly with or socialized
 24 with or ate lunch with in the 1998 through 2001 period?

25 A. It kind of works like this, with your schedule you

1 A. I'm not sure about that one.

2 Q. You indicated that even though you felt that
 3 Mr. Yarbenet wasn't a top-notch teacher and that he didn't
 4 prepare 6th grade students for 7th grade science, you didn't
 5 discuss that fact or matter with Mr. Snyder.

6 A. No.

7 Q. What about with either Mr. Hahesy or
 8 Mr. McClelland, did you ever discuss that fact with either
 9 of them?

10 A. No.

11 Q. The time that you observed him, Mr. Yarbenet, in
 12 the room with a female student alone, did you discuss that
 13 with either Mr. Hahesy or Mr. McClelland?

14 A. I don't think I did.

15 Q. Do you recall ever discussing any aspect of
 16 Mr. Yarbenet's conduct with either McClelland or Hahesy?

17 A. No.

18 Q. Were you ever present when other teachers were
 19 discussing Mr. Yarbenet's conduct?

20 A. After the fact, in hindsight (sic).

21 Q. Tell me what you recall of the conversations that
 22 occurred after the fact.

23 A. Well, we seemed to look back and say, did we miss
 24 something here, what did we see, did we miss something, did
 25 we overlook something here. And I don't recall that anybody

1 meet individuals at a certain time about every day and many
 2 people you don't see at all for most of the year.

3 Q. Who did you meet? Did you have your lunch in the
 4 faculty room?

5 A. Yes.

6 Q. Who was typically there when you had your lunch?

7 A. This goes back quite a ways and I'm not sure I can
 8 remember all of those people.

9 Q. Do you remember anyone?

10 A. It seemed at that time we had a fairly large group
 11 of people there. And I'm trying not to confuse with people
 12 that I've had lunch with in the past few years, that's been
 13 quite a while back.

14 Q. Okay. Do you think Robin Seneta, she's another
 15 science teacher; is that right?

16 A. Yes.

17 Q. Would you eat lunch with her?

18 A. No.

19 Q. What about Debbie Karwoski, do you know if you ate
 20 lunch with her?

21 A. No. She ate about the same lunchtime, I think,
 22 but she usually was in her classroom by herself.

23 Q. Do you recall if you ate lunch with Sara Chuzie?

24 A. On occasion, yes, that sounds right.

25 Q. Mary Werling?

1 came up with anything specific.

2 Q. Were you aware that Ms. Seneta had encountered
 3 Stacy Shaffer and Yarbenet in the closet of his room on a
 4 number of occasions?

5 A. No.

6 Q. She never told you that?

7 A. Not that I can recall.

8 Q. Were you aware that Yarbenet took Stacy out of
 9 Mary Werling's class on a weekly basis?

10 A. No.

11 Q. Did she ever tell you that?

12 A. No.

13 Q. Did you know that Yarbenet released the students
 14 from his homeroom class, which was the TV room, did you know
 15 that he released them early?

16 A. Boy, I don't remember that part.

17 Q. You've talked about two encounters -- or two
 18 situations that you observed -- well, one situation where
 19 you observed Yarbenet with his arm around a student and
 20 that -- I think that you said -- I forget how you described
 21 that, but you talked about that situation. And you also
 22 talked about a situation of encountering Yarbenet alone with
 23 a student in his classroom in the dark.

24 Did you ever see Yarbenet alone with students on
 25 any other occasion?

1 A. After school riding in a red convertible.
 2 Q. Tell me what you remember about seeing Yarbenet
 3 with students after school in a red convertible.
 4 A. Leaving the school parking lot with a student in
 5 there.
 6 Q. Was it always a female student?
 7 A. The one time I can recall, yes.
 8 Q. Was it Stacy or was it a different female?
 9 A. I'm thinking it was Stacy.
 10 Q. And who were you with when you saw that?
 11 A. I'm telling you, whether I was by myself or
 12 carpooling, I don't remember now.
 13 Q. So you were in the parking lot?
 14 A. Yes.
 15 Q. And there might have been other teachers there or
 16 not, you can't recall.
 17 A. No.
 18 Q. Did you mention to either Mr. Snyder or Mr. Hahesy
 19 or Mr. McClelland the fact that you saw Yarbenet leave the
 20 parking lot with a student in his red convertible?
 21 A. I don't recall doing that, no.
 22 Q. Did you talk to anyone else in the administration
 23 or any school board members about observations that you had
 24 made concerning Gregory Yarbenet?
 25 A. No.

1 A. The administration.
 2 Q. Did your planning period change every year?
 3 A. It was the same for several years and then it
 4 became a change. It seemed like it stayed the same for two or
 5 three years and then change, stay the same for two or
 6 three years and then change.
 7 Q. Did you have the same planning period that
 8 Yarbenet had; do you know?
 9 A. I think we might have sometimes, but sometimes
 10 not.
 11 Q. Do you recall what your planning period was in '98
 12 or '99?
 13 A. Not on a bet.
 14 Q. Were you -- by any chance, were you present in the
 15 faculty room or present when a Dave McNally made a comment
 16 about Yarbenet?
 17 A. Dave McNally?
 18 Q. Or Mr. McNally. Is there a Mr. McNally.
 19 A. Bill McNally.
 20 Q. Bill McNally. Were you present when he made a
 21 comment about Yarbenet?
 22 A. I can't remember that.
 23 Q. Something to the effect that the guy always had a
 24 smile on his face.
 25 A. I don't recall any of that. It may have been, I

1 Q. Were you surprised when Yarbenet was arrested?
 2 A. Very much.
 3 Q. Well, after he was arrested, did you think back
 4 and say there were signs that I should have saw.
 5 A. I think I went through that process, yes.
 6 Q. And what did you conclude?
 7 A. That I saw nothing overtly that would put a child
 8 in danger that I would be required to report. I just saw
 9 things that each teacher has their own style and that would
 10 not be my style.
 11 Q. Well, aside from the two things that you've
 12 talked about -- that we've talked about so far, can you
 13 think of other things that you saw that would fit in under
 14 this style that it wouldn't be your style; in other words,
 15 other things that Yarbenet did?
 16 A. I tend to be a little more standoffish, I guess,
 17 keeping that distance and that's just my own perspective
 18 (sic). Other than that, I don't know of anything specific.
 19 We would rarely see each other, we'd go long periods of time
 20 without seeing each other.
 21 Q. How did you -- as a teacher, did you get to select
 22 your free period, your planning period?
 23 A. No.
 24 Q. Who scheduled the planning period, to your
 25 knowledge?

1 don't recall it.
 2 Q. Well, you don't recall it, right?
 3 A. (Witness shakes head.)
 4 Q. Somehow you learned that Yarbenet was taken out of
 5 the school, and at some point -- do you think it was the
 6 same day that he was taken out of the school, that you
 7 learned it was because he was being accused of molesting a
 8 female student?
 9 A. I don't know if it was the same day, but it was
 10 very close to that.
 11 Q. And you engaged in conversations about the
 12 situation with other faculty members, right?
 13 A. Uh-huh.
 14 Q. Do you specifically recall which faculty members
 15 that you might have talked to?
 16 A. No, because it seemed like everybody was talking.
 17 Q. What was everyone saying?
 18 A. Quite shocked. I don't recall specifically, but
 19 quite shocked that it happened.
 20 Q. Would it be safe to say that generally there was
 21 disbelief at the beginning?
 22 A. Yeah.
 23 Q. And why -- can you like sort of explain why there
 24 was that disbelief.
 25 A. I guess because that's one of us and it's almost

1 like, what's happening. We were trying to comprehend this
 2 thing.

3 Q. Do you recall whether there was -- were you aware
 4 if there was any community sort of consensus about these
 5 allegations when they initially surfaced?

6 A. I do not know.

7 Q. Because you're really not part of the community,
 8 right --

9 A. Right.

10 Q. -- you come from Cambridge Springs. After
 11 Yarbenet was taken out of the school, did Mr. Snyder ever
 12 come talk to you and ask, you know, whether you had seen
 13 anything or whether there'd been anything about Yarbenet
 14 that made you uncomfortable? This would be after Mr.
 15 Yarbenet was taken out of the school.

16 A. I don't recall that happening.

17 Q. What about Mr. McClelland, did he have that
 18 conversation with you?

19 A. No.

20 Q. Did anyone from the administration come and talk
 21 to you and sort of like, you know, do a debriefing or
 22 postmortem, how did this happen?

23 A. No.

24 Q. Did you hear that that kind of process took place
 25 with any of the other teachers?

1 Q. Did you have a conversation with him after
 2 Yarbenet was arrested about what had gone on in the school?

3 A. Yes, I did.

4 Q. What did you tell Mr. Fosberg?

5 A. He asked me what was going on.

6 Q. Do you remember what you told him?

7 A. It seems to me I probably mentioned something
 8 about the fact that from what we're hearing in the news that
 9 it was a molestation case. I can't recall specifically.

10 Q. Did you tell him that you knew that teachers had
 11 been concerned about Yarbenet's relationships with young
 12 girls?

13 A. I can't recall making that statement.

14 Q. Did you tell him that you had heard that teachers
 15 had gone to Mr. Snyder and complained about the fact that
 16 Yarbenet would keep his door closed, the classroom dark, the
 17 window on his door covered; did you tell Mr. Fosberg about
 18 that?

19 A. Boy, I don't know. I know I had a conversation
 20 with him, it's been a while back, but I don't know that I
 21 can say yes on that one.

22 Q. Did you know whether teachers had gone to
 23 Mr. Snyder and complained about Mr. Yarbenet?

24 A. No.

25 Q. You don't know?

1 A. Not that I'm aware of, no.

2 Q. Were there any policies in the School District
 3 that changed after Yarbenet was taken out of the school?

4 A. Not that I'm aware of.

5 Q. Did anyone from the School District instruct you
 6 not to talk to us, you know, either Ms. S. [REDACTED]
 7 Mr. S. [REDACTED] representatives?

8 A. No.

9 Q. Did you receive an e-mail from Mr. McClelland that
 10 indicated that you weren't supposed to talk to us?

11 A. I don't think so, that I can recall.

12 Q. This document was marked as Deposition Exhibit No. 13
 13 5 in Robin Seneta's deposition, it's an e-mail; do you
 14 recall if you received that?

15 A. I think I did see that one, yes. This is Dr.
 16 Maynard when he came on board. Yes, I do think I saw that
 17 one.

18 Q. Did you talk to Mr. McClelland about this e-mail
 19 after you received it?

20 A. No.

21 Q. Did you talk to Ms. Seneta about the e-mail?

22 A. I can't recall having a conversation about that.

23 Q. Okay. Did you ever hear of any -- strike that.

24 Do you know a guy named Wade Fosberg?

25 A. Yes, I do.

1 A. I don't recall that, no.

2 Q. So you don't know if they did or not, or you don't
 3 recall?

4 A. I don't recall if they did or not.

5 Q. Did anyone -- has anyone from the administration
 6 ever talked to you, from the date Yarbenet was taken out of
 7 the school which is sometime in March of 2002 until the
 8 present, about Yarbenet?

9 A. No.

10 Q. Had you ever heard of any other actions on behalf
 11 of -- that other faculty members or other staff in the
 12 School District had engaged in sexual misconduct with
 13 students or -- yes, sexual misconduct with students?

14 A. Could you repeat that, please.

15 Q. I'm sorry, that was a bad question. In terms of
 16 the entire School District, had you heard of any other
 17 incidents involving faculty or staff that suggested sexual
 18 misconduct with students?

19 A. Other faculty members?

20 Q. Yes.

21 A. No.

22 Q. Aside from Yarbenet?

23 A. (Witness shakes head.)

24 Q. There was a teacher named Vargo (sic); did you
 25 know anything about a teacher Vargo?

7/1a

1 A. Verga.
 2 Q. Verga. Did you know that that teacher was fired
 3 from the School District or forced to leave the School
 4 District?
 5 A. Yes.
 6 Q. And how did you know that?
 7 A. Well, we heard word of mouth and then officially.
 8 Q. Did you know anything about what Mr. Verga did?
 9 A. My understanding was it had to do something with
 10 things on the computer.
 11 Q. When the -- you recall that -- I think you
 12 testified that there were occasions when -- I mean, after
 13 Yarbenet was taken out, some of the faculty, you related,
 14 got together and talked about, well, could we have stopped
 15 this or were there signs that we saw that would have helped
 16 us to know what was going on; when you were part of those
 17 conversations with the faculty members, did you tell them
 18 that you observed Yarbenet alone in his classroom in the
 19 dark with a female student?
 20 MR. DEVLIN: Object to form. You can answer.
 21 A. I may have. I don't recall at this point in time.
 22 We had several conversations, a lot of us were putting in
 23 things trying to reflect on what we had seen.
 24 Q. Did any of your other colleagues relate that they
 25 had seen him touch students, hug them, put his arms around

1 students?
 2 A. Yes.
 3 Q. Do you recall whether any of those students left
 4 to go to Yarbenet's classroom, any of your study hall
 5 students left to go to Yarbenet's classroom?
 6 A. I'm thinking. Did I have Leigh Ann -- I don't
 7 remember, or did I have Stacy, I don't remember that I did
 8 or did not. I can't remember.
 9 And as far as kids leaving, students leaving,
 10 going to his classroom, there were on occasions, yes. It
 11 would be the morning study hall and I can't tell you who
 12 they were at this point in time. I don't remember if Leigh
 13 Ann or Stacy were among those or not.
 14 Q. Why would the students leave the study hall to go
 15 to his classroom?
 16 A. They had a written pass from him to be able to go
 17 work on catching up on assignments and things like that.
 18 Q. What did the pass form look like?
 19 A. Well, we switched now to an agenda book. I think
 20 in those days it was a printed form. I don't think we had
 21 the agenda books then.
 22 Q. And the agenda books would be what, they would
 23 like a calendar or something?
 24 A. Or a small spiral-bound notebook that has in the
 25 back of it several pages that you would fill in for the

1 them?
 2 A. I don't recall that specifically, no.
 3 Q. Did you ever talk to Karen Kwiatkowski about
 4 Yarbenet?
 5 A. Uh-huh.
 6 Q. When did you talk to her about Yarbenet?
 7 A. It would have been after the fact, after he was
 8 taken out.
 9 Q. Tell me what you recall of those conversations
 10 that you had with Karen Kwiatkowski.
 11 A. It goes back a ways. I'm sure we discussed things
 12 that we thought were questionable. Beyond that, I'm not
 13 sure of anything specific. I know I had conversations with
 14 her along with other faculty members, but as far as
 15 specifics, it would be, generally, in terms of things that,
 16 myself, I would not do because to me they would make me feel
 17 uncomfortable.
 18 Q. Again, like what kind of things were those?
 19 A. I guess, you know, the friendliness to the
 20 students, where I tend to keep a little bit of distance
 21 because if you have to back up and get tough, it's kind of
 22 hard to do. I kind of keep that professional distance
 23 there, things like that, I guess.
 24 Q. Would you ever be the -- would you ever have study
 25 halls? Would you ever preside over study periods of

1 passes so you don't have to keep getting small pieces of
 2 paper for passes.
 3 Q. And those were books -- the agenda books were
 4 items that the students carried around.
 5 A. Right.
 6 Q. Can you tell me why -- you've described two
 7 occasions when you saw Yarbenet do something that you
 8 wouldn't do, can you tell me why you didn't report those to
 9 the administration.
 10 A. What I saw did not appear to me to be crossing the
 11 line into something where a student was in danger. As I
 12 said, I felt it's not something I would do, but I thought it
 13 wasn't out of line.
 14 Q. Where do you get the -- where does the obligation
 15 to report or not report arise in terms of crossing the line?
 16 A. I'm sure if something was overt, something with
 17 the child's health or safety was in danger. I did not see
 18 that in either case.
 19 Q. Would you know what the signs are of a child being
 20 molested by a teacher?
 21 A. Not specifically, but they would be perhaps the
 22 occasion of acting out, things like that. As far as
 23 physical signs, I would not know that I've seen it.
 24 Q. Well, traces -- would you know what signs you
 25 might observe from the teacher's conduct, for instance a

1 teacher molesting a student; do you have any idea how to
 2 determine whether a teacher is molesting a student?
 3 A. No.
 4 Q. And in your 20 years at the School District there
 5 was one training on sexual harassment.
 6 A. Uh-huh.
 7 Q. Do you know if that training even dealt with
 8 harassment of students by teachers?
 9 A. It seems to me it had to do more with sexual
 10 harassment toward your peers as professionals. I don't
 11 recall that it had to do with teachers versus students.
 12 Q. Was there any discussion -- after Yarbenet was
 13 taken out of the school, was there any discussion about who
 14 his victim might have been?
 15 A. By whom?
 16 Q. By the faculty. I mean, the faculty sat down --
 17 that first day you didn't even know who the victims were; is
 18 that right?
 19 A. Correct.
 20 Q. Was there discussion among the faculty about who
 21 the victims might have been?
 22 A. Probably was, yeah.
 23 Q. Who did the faculty speculate who the victims
 24 were?
 25 A. I'd have to say at this point in time, I'm not

1 A. Boy, I'd see Ann on a very infrequent basis and I
 2 can't recall any conversation like that.
 3 MR. OLDS: Okay. Let's take a little break.
 4 (Brief recess taken.)
 5 MR. OLDS: I don't have any other questions.
 6 MR. DEVLIN: We'll read.

7 (Deposition concluded at 2:24 p.m.)

1 sure, but I believe it was these two girls.
 2 Q. Did you observe that Yarbenet frequently had the
 3 lights off in his room?
 4 A. His lights were usually off when he wasn't there,
 5 when the class was not in schedule. So I can't tell either
 6 way because I know he was running the camera room and so
 7 forth, so.
 8 Q. If there wasn't a class there, the lights would be
 9 off?
 10 A. Normally, yeah.
 11 Q. Was there still light in the room from the
 12 windows?
 13 A. Yeah.
 14 Q. Do you know if the room was lit, for instance,
 15 before school began, before classes commenced?
 16 A. In the morning when it's dark, the teacher would
 17 come in and turn the lights on to see in the classroom.
 18 Q. Do you know if he kept the lights off in the
 19 classroom in the morning when it was dark?
 20 A. No, I don't think so.
 21 Q. Do you know who Kim Janke is?
 22 A. No.
 23 Q. And do you know who Ann Mathews is?
 24 A. Yes, she's a teacher aide.
 25 Q. Did she ever talk to you about Yarbenet?

1 Q. When you were superintendent, did you have any
2 command of those statistics?

3 A. There would be different statistical information
4 that would come across our desks from a variety of sources,
5 but I don't have a recollection of a specific example that I
6 can give you with regard to any particular act or
7 predominance of what to watch for or numbers or what have
8 you.

9 Q. Do you recall receiving information from the PSBA
10 about that? Did that entity disseminate or release
11 information concerning --

12 A. Of a statistical nature?

13 Q. Or guidelines, how to know what is happening, what
14 to watch for, any kind of information?

15 A. That would have come from a variety of sources and
16 that would have been distributed to the principals.

17 Q. What do you recall coming in specifically on that
18 topic, on the topic of teachers molesting students?

19 A. Specifically?

20 Q. Yes.

21 A. I can't give you a specific recall for that one.

22 Q. Well, do you know if anything came in from any
23 source on how to look for how or how to determine whether
24 it's going on, what signs to look for; do you recall
25 anything coming that you disseminated to principals on that

1 nobody knew that.

2 So a change in schedule put her in 8th period and
3 the girl's dad was very grateful because he didn't want her
4 missing English class and she was able to take care of the
5 younger sister, get her on the bus to elementary school, and
6 get to school on time, and complete her studies. Those
7 types of things, a notice in behaviors, a change of
8 students, why, those would be coming from a whole host of
9 commercial companies as well as intermediate curriculum and
10 counseling associations, psychology services, the whole
11 gamut of the PSBA.

12 Q. Okay. Concerning Yarbenet, in the 1980s when you
13 were principal and then you became assistant superintendent
14 how many times might you have encountered him in that
15 decade?

16 A. As the high school principal, I may have seen him
17 two or three times a year when there would be common
18 inservice programs, but that would be just a walk-through
19 time in the building.

20 As assistant superintendent, when I would go
21 around, I did not have a lot responsibilities with regard to
22 curriculum but I did have some long-range plans. If I was
23 dealing with a particular issue with K-to-12 science and
24 there would be a swing-through, like we did with the middle
25 school staff and then the elementary staff and then the high

1 topic?

2 A. In all honesty, I can't say that I recall one
3 specific item. Can I say that there was stuff that probably
4 came in, it probably came more closely to our counseling
5 department and our principals rather than staff.

6 Q. And the counseling department, what was the -- was
7 there a -- the counselors would report to the principals in
8 the building, right?

9 A. That's correct. The counselors were assigned to
10 the buildings and then we have the psychological services
11 available through the intermediate unit. And they would
12 provide different information to the principals and
13 counselors on a whole host of things to identify. And those
14 things would be disseminated to faculty members by the
15 principals, by the counselors.

16 If someone says, hey, I think so-and-so is having
17 a problem or there is something going on, there's a range
18 from a whole host of difficulties at home or just a tough
19 relationship. Or somebody missing an English class
20 periodically and nobody knew what was going on, and finally
21 a teacher took the initiative and checked with the girl and
22 the girl had a responsibility as a senior to take care of
23 her little sister getting on the elementary school bus and
24 having breakfast. And the mother had passed away two months
25 before, that's why the girl was missing English class and

1 school staff.

2 So I might see him on a more frequent basis in
3 some of the science meetings. But on a regular basis, I
4 would not say that I would see him.

5 Q. Do you recall specific encounters with him when
6 you were an assistant principal (sic)?

7 A. Assistant superintendent?

8 Q. That's what I meant, assistant superintendent.

9 A. No.

10 Q. Do you recall that you were at a meeting and he
11 was at a meeting, you don't have a recollection of that?

12 A. I'm sure he was at the science meetings. But do I
13 have a specific recollection of the topics or what we were
14 discussing, no, but I'm sure he was there.

15 Q. Well, as the assistant superintendent and then as
16 the superintendent, I would -- you must have had some
17 impression of him because I know he was sort of well-known
18 in the community; what did you know about him?

19 A. I think the press release, which I wrote, pretty
20 much summarizes that, he was an exemplary science teacher.
21 This is a guy that designed the parachutes for re-entry for
22 the NASA space shuttle, turned down \$150,000 job probably
23 two years before he finished teaching. Was he different,
24 yeah, did I like the fact the some of the kids called him
25 Yarb, no. But was he successful in motivating students in

1 science, yes.

2 Q. When you say he was different, how was he
3 different?

4 A. Not every teacher would go along with somebody
5 saying, hey, Yarb; it should be Mr. Yarbenet, or sir, or
6 whatever.

7 Q. Did you ever -- were you ever in his classroom?
8 Did you ever observe his teaching?

9 A. I believe I did as an assistant superintendent to
10 make an observation, or a superintendent. I did do some
11 observations with -- and chaired them with the principals,
12 but I couldn't recall specifics of that.

13 (Brief recess taken.)

14 BY MR. OLDS:

15 Q. Going back to the policies of the School District,
16 and you've looked at one here, Exhibit No. 1, were there
17 policies concerning teacher conduct in the policy book?

18 MR. LANZILLO: I think that was Exhibit No. 2.

19 Q. In other words, did the Board promulgate policies
20 about teacher conduct?

21 A. Yes.

22 Q. And where would that have been in terms of that
23 series of policies in terms of the number; do you know what
24 number it would have been?

25 A. I have no recollection of the series it would be.

1 March 27th.

2 A. That's correct.

3 Q. Did he tell you -- did he explain to you what the
4 evidence was?

5 A. No. I just asked him if it was credible and he
6 said it was enough that they were going to pursue their
7 arrest.

8 Q. And how long did that meeting with Chef Bucho
9 take?

10 A. Probably about a half hour.

11 Q. Did you make any notes during that meeting?

12 A. No, I don't believe I did.

13 Q. And after the Chief left, what did you do?

14 A. I believe I was in touch with my School Board
15 president, the building principal to make arrangements to
16 set up a conference for the next morning, and our labor
17 attorney's office.

18 Then I probably made a list of other people I
19 needed to contact in terms of the director of business with
20 regard to our insurance, potential liability claims,
21 potential payroll status if, in fact, I was going to be
22 involved with a suspension with Mr. Yarbenet; protocols, and
23 updating phone calls to the building principals, federation
24 president, and the school solicitor, and our labor counsel.

25 Q. How late did you work that night?

1 Q. You found out -- tell me how you found out that
2 Gregory Yarbenet was going to be arrested.

3 A. The Chief of Police came to my office just as
4 indicated in the press release late Wednesday.

5 Q. Was that in the afternoon or was that in the
6 evening?

7 A. It was late afternoon. School, I believe, had
8 been dismissed. I was usually there to 4:00, 4:30, but it
9 was late in the afternoon.

10 Q. And that would be Chief --

11 A. Chief Dan Bucho.

12 Q. Dan Bucho.

13 A. B-U-C-H-O.

14 Q. And I would assume that you were acquainted with
15 him, being a small community you would know him?

16 A. I know him extremely well, yes.

17 Q. Tell me what he told you.

18 A. He indicated to me that there was some serious
19 allegations and very credible evidence that our science
20 teacher, Mr. Yarbenet, would be arrested and charged for
21 sexual misconduct with students.

22 Q. Can I see the press release, please.

23 A. He did not indicate the students' names. I did
24 not know the students until sometime later.

25 Q. Okay. So this happened late Wednesday,

1 A. I didn't quit.

2 Q. Who was the federation president?

3 A. I believe Debbie Carter or Rick Killian, the
4 president and vice president. I believe it was Debbie
5 Carter at the time.

6 Q. And Board president was?

7 A. The Board president would have been Marilyn
8 Vargulich.

9 Q. Did you conduct all this on the telephone, all
10 this business?

11 A. Yes.

12 Q. You mentioned earlier today that you have some
13 letters that you sent to the insurance notifying the
14 insurance; can I see those letters.

15 MR. LANZILLO: I'd like to review them first for
16 attorney/client privilege, work product.

17 For the record, Mr. Blucas has handed me a
18 series of documents which I have reviewed for
19 protection of attorney/client privilege. I have
20 produced each of the documents to Attorney Olds, I
21 have not withheld any documents.

22 Q. I had a question about -- let's see. There's a
23 letter here to -- you received a copy -- wait, I guess it's
24 a letter to Mr. Yarbenet, apparently you received a copy of
25 it. The letter is dated May 2, 2002, cover letter to you,

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 STACY S; and JOHN and :
4 MARY ELLEN S., on behalf :
of their daughter, LEIGH :
5 ANN S., a minor, :
Plaintiffs :
6 :
vs. : Civil Action No. 04-150E
7 :
8 GIRARD SCHOOL DISTRICT; :
ROBERT SNYDER, : HONORABLE SEAN J. MC LAUGHLIN
9 Individually and in his :
capacity as Principal of :
the Rice Avenue Middle :
School; and GREGORY :
10 YARBENET, a professional :
employee of the Girard :
11 School District, :
Defendants : Jury Trial Demanded

For the Plaintiffs:
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<p style="text-align: right;">Page 34</p> <p>1 conversations?</p> <p>2 A. No.</p> <p>3 Q. And what you've described, students being present</p> <p>4 in Mr. Yarbenet's classroom when they should be in the</p> <p>5 cafeteria, was that a disciplinary issue?</p> <p>6 A. I thought so.</p> <p>7 Q. Did anyone ever tell you what the students were</p> <p>8 doing in the classroom?</p> <p>9 A. Eating their lunch in there with him instead of in</p> <p>10 the cafeteria. It was kind of a -- kind of a safety issue.</p> <p>11 If a student was supposed to be at lunch, the student was</p> <p>12 supposed to be at lunch. If somebody needed that student</p> <p>13 and you went to the lunchroom looking for them, and they</p> <p>14 weren't there, you had no idea where they were. Students</p> <p>15 were reporting, instead of to the lunchroom, right to his</p> <p>16 room to eat. So it was kind of that sort of a situation.</p> <p>17 Q. So if you wanted to locate a student that isn't</p> <p>18 where he or she is supposed to be, what would you have to</p> <p>19 do, use the intercom?</p> <p>20 A. Yes. And they didn't like to do that because it</p> <p>21 interrupted classes.</p> <p>22 Q. And these instances where you would find students</p> <p>23 in the classroom of Mr. Yarbenet during lunch, I take it</p> <p>24 this was multiple students?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 36</p> <p>1 to Mr. Snyder, Mr. McClelland and Mr." --</p> <p>2 A. Hahesy.</p> <p>3 Q. -- "Hahesy" --</p> <p>4 A. Yes.</p> <p>5 Q. -- "when he was here." Let me start with</p> <p>6 Mr. Hahesy. When was Mr. Hahesy at Rice Avenue Middle</p> <p>7 School; do you remember?</p> <p>8 A. I don't recall the dates.</p> <p>9 Q. What was his title?</p> <p>10 A. Assistant principal.</p> <p>11 Q. Was he Mr. McClelland's predecessor?</p> <p>12 A. Yes.</p> <p>13 Q. And what did you tell Mr. Hahesy about this</p> <p>14 situation?</p> <p>15 A. With him, it was that students were -- because</p> <p>16 Mr. Hahesy always did lunch duty. With him it was that the</p> <p>17 students were eating lunch in there, and he did not want</p> <p>18 them in there.</p> <p>19 Q. Okay. So you told Mr. Hahesy that you thought it</p> <p>20 was inappropriate and contrary to the rules for the students</p> <p>21 to be eating lunch --</p> <p>22 A. I didn't say it like that.</p> <p>23 Q. Was that the essence of --</p> <p>24 A. Yeah, that was the essence.</p> <p>25 Q. And what about Mr. McClelland, did you say</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Okay. About how many would be in there?</p> <p>2 A. Half a dozen, ten.</p> <p>3 Q. Did you ever see a student in the classroom with</p> <p>4 Mr. Yarbenet eating lunch alone?</p> <p>5 A. No.</p> <p>6 Q. And, Mrs. Kwiatkowski, you had mentioned earlier</p> <p>7 that you would enter the classroom to turn the lights on</p> <p>8 when you would hear students inside.</p> <p>9 A. Correct.</p> <p>10 Q. Were there multiple students in the room on those</p> <p>11 occasions?</p> <p>12 A. Yes.</p> <p>13 Q. Did you ever open the door and turn on the lights</p> <p>14 at a time when Yarbenet was alone with a student in the</p> <p>15 classroom?</p> <p>16 A. No.</p> <p>17 Q. Going back to your statement, Exhibit 1, let me</p> <p>18 continue where I left off. You state here, "My job is to</p> <p>19 patrol the second floor hallway in the morning before a.m.</p> <p>20 homeroom. So I see a lot of this." I guess I -- I'm not</p> <p>21 exactly sure what the "this" is in that sentence.</p> <p>22 A. I think what I meant is that he quite often was in</p> <p>23 that room in the morning with the lights out and students in</p> <p>24 there.</p> <p>25 Q. Okay. You say, "I've mentioned it several times</p>	<p style="text-align: right;">Page 37</p> <p>1 essentially the same thing to him?</p> <p>2 A. Yes. Plus girls being in that room at other times</p> <p>3 during the day. With Mr. Hahesy, it was mostly the</p> <p>4 lunchtime thing. With Mr. McClelland, it was the girls were</p> <p>5 in there quite often.</p> <p>6 Q. Any particular girls who you noticed were in there</p> <p>7 quite often?</p> <p>8 A. I listed a bunch of them. As many as I could</p> <p>9 remember at the end of this.</p> <p>10 Q. And I take it the girls who you've listed on the</p> <p>11 second page of Exhibit 1 were in that classroom at times</p> <p>12 other than lunch?</p> <p>13 A. Correct.</p> <p>14 Q. All right.</p> <p>15 A. A lot of the kids, girls -- it was always girls --</p> <p>16 would come out of their study halls and go to his classroom.</p> <p>17 One particular occasion I can remember going in there, and I</p> <p>18 don't really remember what I went in there for, to deliver</p> <p>19 something or to look for a student. And the whole room was</p> <p>20 ringed with girls who were not in sixth grade, weren't in</p> <p>21 his sixth grade class. I mean, there were seventh graders,</p> <p>22 eighth graders.</p> <p>23 Q. Where were they seated?</p> <p>24 A. Standing along the walls, seated on the -- it was</p> <p>25 like a shelf there for the heaters and coolers by the</p>

10 (Pages 34 to 37)

<p style="text-align: right;">Page 46</p> <p>1 Q. Now, in the next paragraph you state, "On one 2 occasion I saw Greg Yarbenet stare pointedly at M. A. [REDACTED] 3 S. [REDACTED] breasts."</p> <p>4 A. Correct.</p> <p>5 Q. "He was seated at his computer and she was 6 standing in front of him. They weren't talking. I don't 7 remember if the lights were out and I turned them on, which 8 I did frequently, or not. She was in the room alone with 9 him."</p> <p>10 A. That's correct.</p> <p>11 Q. Okay. Who is M. A. S. [REDACTED]</p> <p>12 A. She was a student there.</p> <p>13 Q. Do you remember what grade she was in at the time?</p> <p>14 A. Eighth grade. No, seventh grade, I take that 15 back, seventh grade.</p> <p>16 Q. So M. A. S. [REDACTED] was in Yarbenet's 17 classroom?</p> <p>18 A. Yes, she was in his homeroom.</p> <p>19 Q. And you say Yarbenet was seated at his computer. 20 Where was his computer located?</p> <p>21 A. In the back of the room. As you enter the door to 22 the left.</p> <p>23 Q. Okay. And was it on a desk?</p> <p>24 A. Yes. A desk or a table.</p> <p>25 Q. And he was seated at this time and M. A. [REDACTED]</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. And it was your perception that he was staring at 2 her breasts?</p> <p>3 A. Staring her up and down; staring at her breasts, 4 looking down, back up again. Never looking at her face.</p> <p>5 Q. Did you have any conversation with M. A. [REDACTED] 6 S. [REDACTED] or Gregory Yarbenet at that time?</p> <p>7 A. No. Other than to tell M. A. [REDACTED] to leave the 8 room.</p> <p>9 Q. Leave the room. Yeah, you did say that.</p> <p>10 A. Move out.</p> <p>11 Q. And I take it from your description of this that 12 M. A. S. [REDACTED] and Yarbenet were separated by this desk 13 and this computer.</p> <p>14 A. Yes.</p> <p>15 Q. You wrote here that, "Leigh Ann S. [REDACTED] spends 16 a lot of time with Yarbenet."</p> <p>17 A. Yes.</p> <p>18 Q. What did you mean by that? Could you be more 19 specific.</p> <p>20 A. It just seems like she was always with him. One 21 thing I did not put on here that I observed. I observed 22 Yarbenet standing in the hallway near the elevators to go 23 up -- and I didn't put that in there either -- by the 24 elevators, and he had his arm around Leigh Ann's shoulders. 25 And he kissed her on top of the head.</p>
<p style="text-align: right;">Page 47</p> <p>1 S. [REDACTED] was standing?</p> <p>2 A. In front of him, yes.</p> <p>3 Q. In front of him. And you entered the classroom?</p> <p>4 A. Yes.</p> <p>5 Q. All right. And did you walk to them, or where 6 were you standing?</p> <p>7 A. In the doorway.</p> <p>8 Q. Okay. And how far is the doorway from the 9 computer desk?</p> <p>10 A. Maybe 10, 15 feet.</p> <p>11 Q. And how long did you stand there?</p> <p>12 A. Until M. A. [REDACTED] was done, and then told her to get 13 out of the room.</p> <p>14 Q. Okay. Did you overhear their conversation?</p> <p>15 A. No, I didn't.</p> <p>16 Q. Do you have any idea what they were talking about?</p> <p>17 A. No, I don't.</p> <p>18 Q. So Yarbenet is seated. He's got a computer in 19 front of him, or somewhere --</p> <p>20 A. Um-hum.</p> <p>21 Q. -- on the --</p> <p>22 A. In -- right in front of him.</p> <p>23 Q. All right. Right in front of him. And she is 24 standing on the other side of that. And you could --</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Okay.</p> <p>2 A. Whole bunch of students around at that time.</p> <p>3 Q. This is right out in the hallway with all the 4 students around?</p> <p>5 A. Yeah.</p> <p>6 Q. Okay. And when you say around her shoulder, was 7 it -- Bob, I'm sorry, but one of these (indicating)?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. That does not -- not going to show up on 10 record.</p> <p>11 MR. OLDS: That's not going to show up on the 12 record.</p> <p>13 MR. LANZILLO: And I wanted her to understand 14 first. Now, I'll make it clear on the record.</p> <p>15 Q. An arm around the shoulder, just to illustrate, 16 like a --</p> <p>17 A. Like a hug.</p> <p>18 Q. Like a parent would on a child?</p> <p>19 A. Yes.</p> <p>20 Q. Was he -- was it just the one arm around the 21 shoulder?</p> <p>22 A. Yes.</p> <p>23 Q. So it wasn't an embrace.</p> <p>24 A. No.</p> <p>25 Q. All right.</p>

13 (Pages 46 to 49)

<p style="text-align: right;">Page 50</p> <p>1 (Discussion held off the record.)</p> <p>2 Q. So one arm. Do you remember which arm it was?</p> <p>3 A. Right arm.</p> <p>4 Q. And he leaned over and kissed her on top of the</p> <p>5 head?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. And what did Leigh Ann do?</p> <p>8 A. Her face just got red.</p> <p>9 Q. Okay. And what happened after that?</p> <p>10 A. They kind of disbursed. He went upstairs to the</p> <p>11 TV studio.</p> <p>12 Q. Okay.</p> <p>13 A. He used to take students into the elevator too.</p> <p>14 Girls. And that was the other thing I don't think I --</p> <p>15 Q. Do you know why you didn't note on your statement</p> <p>16 about the arm on the shoulder and the kiss on the top of the</p> <p>17 head?</p> <p>18 A. I probably forgot about it.</p> <p>19 Q. What was Leigh Ann doing when that occurred?</p> <p>20 A. Standing there amongst a bunch of students. I was</p> <p>21 kind of shocked to see him do that. Not because it was</p> <p>22 Leigh Ann, just because it was anybody.</p> <p>23 Q. He was -- would it be fair to say he was a more</p> <p>24 demonstrative teacher than most?</p> <p>25 A. Oh, yes. He really was.</p>	<p style="text-align: right;">Page 52</p> <p>1 A. He was a friendly guy.</p> <p>2 Q. Yeah. Okay.</p> <p>3 A. Like I said, kind of the Pied Piper. Wherever</p> <p>4 Yarb was, there were students.</p> <p>5 Q. And did you ever see him hug any other adults,</p> <p>6 besides yourself, obviously?</p> <p>7 A. Catherine Bible.</p> <p>8 Q. Okay. Who is she?</p> <p>9 A. She was cafeteria manager.</p> <p>10 Q. Did you ever see Yarbenet touch a student on the</p> <p>11 buttocks?</p> <p>12 A. No, I did not. I heard about it, but I didn't see</p> <p>13 him do it.</p> <p>14 Q. Well, let me ask you about that. How did you --</p> <p>15 what did you hear about that?</p> <p>16 A. I heard he touched M. A. S. on the</p> <p>17 buttocks.</p> <p>18 Q. Who told you that?</p> <p>19 A. Marcia Mikovich. And she questioned. She told me</p> <p>20 she questioned M. A. S. as to whether Yarbenet had ever</p> <p>21 touched her. And she said yes, on the buttocks.</p> <p>22 Q. Okay. When did that happen? When did you have</p> <p>23 that conversation?</p> <p>24 A. With Marcia?</p> <p>25 Q. Yeah.</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. Some people have described him as a hugger-type</p> <p>2 person.</p> <p>3 A. Yes.</p> <p>4 Q. All right.</p> <p>5 A. Kind of the Pied Piper too.</p> <p>6 Q. Okay. Yeah, students --</p> <p>7 A. Loved him.</p> <p>8 Q. -- loved him. Okay. And did you ever see him hug</p> <p>9 any other students?</p> <p>10 A. That's the only one I ever saw him hug or kiss.</p> <p>11 Q. Okay. And by kiss, you mean on top of the head.</p> <p>12 You never saw him kiss a student on the lips.</p> <p>13 A. No. Just on top of the head.</p> <p>14 Q. Okay. And you saw him -- and when you say hug,</p> <p>15 you're talking about the arm on the shoulder.</p> <p>16 A. Correct.</p> <p>17 Q. All right. And that was the only time you ever</p> <p>18 saw him hug a student?</p> <p>19 A. Yes.</p> <p>20 Q. Did he ever hug you?</p> <p>21 A. Sure.</p> <p>22 Q. Okay. How many times did he hug you?</p> <p>23 A. I really don't know.</p> <p>24 Q. Is he kind of like that -- that aunt that comes to</p> <p>25 your house, and the next thing you know she's --</p>	<p style="text-align: right;">Page 53</p> <p>1 A. After Yarbenet was arrested.</p> <p>2 Q. I see. So after his misconduct came to light, you</p> <p>3 had a conversation with Marcia Mikovich?</p> <p>4 A. Yes.</p> <p>5 Q. And she expressed to you that after she learned</p> <p>6 about this, she asked --</p> <p>7 A. Right.</p> <p>8 Q. -- some students whether he had ever touched them,</p> <p>9 and --</p> <p>10 A. Right. I told her of the incident of me seeing</p> <p>11 Yarbenet looking M. A. up and down, staring at her</p> <p>12 breasts. So she went and asked M. A. if he ever,</p> <p>13 Q. I see. I see. So this is after he's been</p> <p>14 arrested and taken out of school.</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Did you ever see Yarbenet touch a student</p> <p>17 on the chest or the breasts?</p> <p>18 A. No.</p> <p>19 Q. How about on the legs, the thighs?</p> <p>20 A. No.</p> <p>21 Q. Did you ever see Yarbenet touch a student in a</p> <p>22 manner that you considered to be sexual?</p> <p>23 A. The hugging and the kissing on top of the head.</p> <p>24 Q. Okay.</p> <p>25 A. I thought it was inappropriate.</p>

14 (Pages 50 to 53)

<p style="text-align: right;">Page 74</p> <p>1 A. Yes.</p> <p>2 MR. OLDS: She didn't look at that. She was</p> <p>3 looking at the final one.</p> <p>4 MR. LANZILLO: Oh, that's fine. Hold on a second.</p> <p>5 Let me match this up.</p> <p>6 Q. I'll represent to you, Ed -- you can look at it if</p> <p>7 you would like. Paragraph 7 of each document states, "At</p> <p>8 some point I became aware of behavior of Mr. Yarbenet that</p> <p>9 disturbed me. For a period of at least ten years I observed</p> <p>10 him behaving with female students in a way that I thought</p> <p>11 was inappropriate." Do you see that in your affidavit?</p> <p>12 A. Yes.</p> <p>13 Q. Have we talked about the behavior that you thought</p> <p>14 was inappropriate?</p> <p>15 A. All of his behavior I thought was inappropriate.</p> <p>16 And we did discuss this.</p> <p>17 Q. Yes. We covered it, though. There's no</p> <p>18 inappropriate behavior that we haven't talked about.</p> <p>19 A. No.</p> <p>20 MR. LANZILLO: And, again, Paragraph 8, Ed, if you</p> <p>21 want to take a look at it, I'm going to ask her</p> <p>22 about that.</p> <p>23 MR. OLDS: Okay. That's close to Paragraph 8, so.</p> <p>24 THE WITNESS: Okay.</p> <p>25 Q. I see that you made a change in the draft. It</p>	<p style="text-align: right;">Page 76</p> <p>1 him and Leigh Ann, with the arm around the shoulders and the</p> <p>2 kiss on the top of the head.</p> <p>3 Q. Did you ever kiss your own kids on top of the</p> <p>4 head?</p> <p>5 A. Hum-um.</p> <p>6 Q. Okay.</p> <p>7 A. Usually on the face or the lips.</p> <p>8 Q. Could I have the draft back, please. In the next</p> <p>9 paragraph, the original draft, stated, "It was --</p> <p>10 MR. OLDS: What paragraph are we looking at, 9?</p> <p>11 MR. LANZILLO: The original draft supplied by</p> <p>12 Carolyn had two Paragraph 8s. That's why --</p> <p>13 MR. OLDS: Okay.</p> <p>14 MR. LANZILLO: -- I hesitate to refer to it as</p> <p>15 Paragraph 8. So it's the one immediately</p> <p>16 following -- it's the second paragraph of</p> <p>17 Paragraph 8.</p> <p>18 THE WITNESS: Okay.</p> <p>19 MR. LANZILLO: Strike that. It's the second</p> <p>20 Paragraph 8.</p> <p>21 Q. And originally the affidavit came to you. It</p> <p>22 said, "It was Mr. Yarbenet's practice to keep dark paper</p> <p>23 over the window of his classroom."</p> <p>24 A. Right, the lower half.</p> <p>25 Q. Okay. You changed that to read the lower half of</p>
<p style="text-align: right;">Page 75</p> <p>1 originally read, "I would often find him, Yarbenet, in</p> <p>2 there, his classroom." The original draft was, "with a</p> <p>3 female student." You changed that to "female students,"</p> <p>4 correct?</p> <p>5 MR. OLDS: In the -- he said --</p> <p>6 A. Yes, I changed it to female students.</p> <p>7 Q. All right. Because you wanted to make sure it was</p> <p>8 clear that he wasn't in there alone with a female student,</p> <p>9 you wouldn't find him alone, you would find him in there</p> <p>10 with multiple students.</p> <p>11 A. Right. I would also find him in there alone.</p> <p>12 Q. On how many occasions did you find him alone?</p> <p>13 A. I really don't recall.</p> <p>14 Q. Who was in there with him?</p> <p>15 A. Stacy was in there with him alone. I don't recall</p> <p>16 whether Leigh Ann was ever in there with him alone or not.</p> <p>17 Q. How many times was Stacy in there alone with him?</p> <p>18 A. Oh, I think Stacy was in there every day.</p> <p>19 Q. But I'm asking you as far as what you observed.</p> <p>20 A. I really don't recall.</p> <p>21 Q. Okay. You never observed any physical contact</p> <p>22 whatsoever between Yarbenet and Stacy.</p> <p>23 A. No, I did not.</p> <p>24 Q. All right.</p> <p>25 A. The only physical contact I ever observed was with</p>	<p style="text-align: right;">Page 77</p> <p>1 the window of his classroom door.</p> <p>2 A. Right. There was probably an area maybe like this</p> <p>3 much (indicating), that you could see through. I wasn't</p> <p>4 tall enough to see through that. But maybe that much.</p> <p>5 Q. And what covered that lower half of the window?</p> <p>6 A. Construction paper. I don't know that it ever had</p> <p>7 anything on it. It was just dark construction paper.</p> <p>8 Q. Did you notice whether there were any posters or</p> <p>9 anything like that?</p> <p>10 A. On the window?</p> <p>11 Q. Um-hum.</p> <p>12 A. Oh, there probably was at different times.</p> <p>13 Q. Okay. You don't recall what was depicted in that?</p> <p>14 A. No, I don't. He was big into space. It could</p> <p>15 have been something to do with space.</p> <p>16 Q. Okay.</p> <p>17 A. I mean, he was big into NASA, I should say. It</p> <p>18 might have had something to do with that.</p> <p>19 Q. Did you talk to Principal Snyder about the --</p> <p>20 whatever material was on the lower half of the window of the</p> <p>21 door?</p> <p>22 A. I don't recall if I did or not.</p> <p>23 Q. Do you know whether that material was ever</p> <p>24 removed?</p> <p>25 A. After he left.</p>

20 (Pages 74 to 77)

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA3 STACY S; and JOHN and :
4 MARY ELLEN S., on behalf :
5 of their daughter, LEIGH :
6 ANN S., a minor, :
7 Plaintiffs :
8 :
9 vs. : Civil Action No. 04-150E
10 :
11 GIRARD SCHOOL DISTRICT; :
12 ROBERT SNYDER, : HONORABLE SEAN J. MC LAUGHLIN
13 Individually and in his :
14 capacity as Principal of :
15 the Rice Avenue Middle :
16 School; and GREGORY :
17 YARBENET, a professional :
18 employee of the Girard :
19 School District, :
20 Defendants : Jury Trial Demanded

21

22

23 Deposition of CANDACE S., taken before and
24 by Carol A. Holdnack, RPR, Notary Public in and for
25 the Commonwealth of Pennsylvania, on Monday,
March 28, 2005, commencing at 10:00 a.m., at the
Crawford County Courthouse, Meadville, PA.

26

27

For the Plaintiffs:

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Edward A. Olds, Esquire

Carolyn Spicer Russ, Esquire

1007 Mount Royal Boulevard

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For the Defendants:

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Reported by Carol A. Holdnack, RPR
Ferguson & Holdnack Reporting, Inc.

<p style="text-align: right;">Page 26</p> <p>1 Q. And what was the occasion that allowed you to have 2 some interaction with Mr. Yarbenet in January of 1999?</p> <p>3 A. He was having a sled riding party for the crew of 4 his TV studio at his home. And he told me to be sure and 5 bring Stacy because he wanted me to meet his wife. So I 6 took her to his house. And there were a bunch of kids there 7 running around. And I said, you know, you wanted me to meet 8 your wife. And he said, well, she's not here right now, but 9 I really want you to meet her, you two are going to be the 10 absolute best of friends. He said, please stay until she 11 comes home.</p> <p>12 So I stayed, and I stayed, and I stayed, and I 13 stayed. And he said, I can't think what's keeping her. But 14 eventually she did show up. And she was so cold and so on 15 the Board of being rude to me that I made my excuses and 16 left. Trying to figure out why he thought we were going to 17 be best friends when she would barely acknowledge I was in 18 the house. It was a very awkward situation.</p> <p>19 Q. The sled riding party was sometime in or around 20 January of 1999, correct?</p> <p>21 A. That's correct.</p> <p>22 Q. All right.</p> <p>23 A. It was near the end of January.</p> <p>24 Q. Did you have some contact or interaction with 25 Mr. Yarbenet prior to the party itself?</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Other than -- well, not to presume here. Do you 2 know whether the kids had been dropped off by parents, 3 picked up by parents?</p> <p>4 A. I would have to assume. They weren't old enough 5 to drive. So I would assume unless they were within walking 6 distance, but I don't have actual knowledge of that.</p> <p>7 Q. Mr. Yarbenet's son was at the house as well?</p> <p>8 A. Yes.</p> <p>9 Q. At some point Ms. Yarbenet arrived?</p> <p>10 A. Yes.</p> <p>11 Q. And how long did you talk with Ms. Yarbenet,</p> <p>12 Mrs. Yarbenet?</p> <p>13 A. An agonizing five to ten minutes.</p> <p>14 Q. What was it about that interaction that led you to 15 the conclusion that she was cold?</p> <p>16 A. She barely acknowledged me. I sat down and I 17 started talking to her. And she just gave me a look. I 18 couldn't describe it. Just -- like my interpretation of 19 that look was, what are you doing here, I have no desire to 20 speak to anybody. I mean, she was just very inhospitable. 21 And I felt very uncomfortable, and I left.</p> <p>22 Q. Did you come back later to pick up Stacy?</p> <p>23 A. Either me or my husband; I don't remember which.</p> <p>24 Q. Okay. Did you see anything on the part -- any 25 action on the part of Mr. Yarbenet that caused you any</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Just when I drove her to the house.</p> <p>2 Q. Okay.</p> <p>3 A. I mean, no, it was at the party.</p> <p>4 Q. The reason I ask is you said that Yarbenet had 5 told you to be sure to bring Stacy to the sled riding party.</p> <p>6 A. It was in a note. I didn't have contact with him. 7 He had sent an invitation home with the students, I presume. 8 It had a map of his house with directions. And there was, 9 you know, a notation that he wanted me to meet his wife 10 because we were going to be the best of friends.</p> <p>11 Q. Was that in the note itself?</p> <p>12 A. Yes. On the outside of the note.</p> <p>13 Q. Were the other students who were involved in the 14 TV studio present for the sled riding party in January '99?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know about how many students were there?</p> <p>17 A. I really don't know. There may -- I believe there 18 were students in addition to the TV studio participants, 19 because there seemed to be an awful lot of kids there.</p> <p>20 Q. Perhaps friends of those kids, or?</p> <p>21 A. Probably. And his son and probably friends of his 22 son as well.</p> <p>23 Q. Did you see any other adults at the sled riding 24 party?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 29</p> <p>1 concerns during that sled riding encounter?</p> <p>2 A. No, I was only there at the beginning of the 3 party. He was talking to me until his wife came in. And as 4 I said, it was kids running here and there.</p> <p>5 Q. When was your next contact or interaction with 6 Mr. Yarbenet? And I'm defining that phrase broadly. So if 7 there is an exchange of correspondence, notes or anything, 8 other than face-to-face, one-on-one type contact, I need to 9 know that as well.</p> <p>10 A. There may have been -- and I'm not sure of the 11 time frame. There was possibly a phone call or two. Where 12 he would call the house, supposedly to get the snowfall, 13 because he reported that to one of the local TV stations. 14 And my understanding is that he called several of the kids 15 from the TV studio to get a reading of the snowfall. So 16 that was going on during December. I didn't think of that 17 as contact.</p> <p>18 Q. Fair enough.</p> <p>19 A. Of '98.</p> <p>20 Q. What was the next contact you can recall?</p> <p>21 A. The next contact would have been in February when 22 he came to the house to pick up Stacy with other students. 23 He was taking them on a field trip to Channel 12.</p> <p>24 Q. Did he drop Stacy off that evening?</p> <p>25 A. Yes, he did. He came in with her as well.</p>

8 (Pages 26 to 29)

<p style="text-align: right;">Page 30</p> <p>1 Q. What happened when Yarbenet came in? 2 A. He came in. Stacy went directly to her room. And 3 he just chatted with us about -- I have no idea what. He 4 just -- you know, small talk. 5 Q. Nothing that you considered to be of concern or 6 out of the ordinary? 7 A. No. 8 Q. Did Stacy tell you anything about that field trip? 9 A. She had a T-shirt, and I'm not sure if she got 10 that at that field trip, Channel 12 or something to do with 11 the TV studio. I think that was part of a result of that. 12 Stacy was quiet at home as well as in school, so she didn't 13 have a lot to say about it, no. 14 Q. Nothing she said stuck out in your mind? 15 A. No. 16 Q. When is the next time you had any contact with 17 Mr. Yarbenet? 18 A. That would have been shortly thereafter when we 19 got a phone call in the middle of an afternoon from some 20 people who live up the street from us saying that 21 Mr. Yarbenet had been in a parachuting accident, and he was 22 asking if we would come. He first wanted us to call his 23 wife and tell her that he had been in an accident, and then 24 come up to the scene of the accident. 25 Q. Did you call Mrs. Yarbenet?</p>	<p style="text-align: right;">Page 32</p> <p>1 the police that we had no trouble contacting her. She was 2 home. So that was one of the first lies I caught him in. 3 But not until it was way too late. 4 Q. So you approached Yarbenet and you held his hand 5 until the paramedics took him away? 6 A. No, he took my hand. 7 Q. Okay. And did you hold his hand after that? 8 MR. OLDS: You mean that day, or what? 9 MR. LANZILLO: Yeah, that day. 10 MR. OLDS: I don't understand that question. 11 A. He held my hand -- you know, until I let go, they 12 were taking his jacket off and one thing and another. And 13 they were putting him in the Life Flight. So I have no idea 14 how long he held my hand. No idea. 15 Q. After they put him in the Life Flight, what did 16 you do? 17 A. We went home. 18 Q. Did you visit him in the hospital? 19 A. Yes. 20 Q. On how many occasions? 21 A. One. 22 Q. How long was he hospitalized? 23 A. Several days. I can't tell you how many. I don't 24 recall. 25 Q. And aside from yourself, who else visited</p>
<p style="text-align: right;">Page 31</p> <p>1 A. Stacy did. She was the one who took the phone 2 call. 3 Q. And did you go to the scene of the accident? 4 A. We did. 5 Q. Tell me what happened there. 6 A. [REDACTED] and Stacy and I drove up. We walked up into 7 the field. We could see the parachute there. And there 8 were paramedics, and the couple who had seen him crash were 9 standing there. And we were standing by them. I asked if I 10 could leave my daughters with them while I walked over to 11 see how much -- how much he had been hurt. Because I didn't 12 want them going over there if there were broken bones and 13 one thing or another. 14 I walked over. They were in a discussion. He 15 didn't want them to cut off his jacket. He wanted them to 16 take it off so that they wouldn't damage the jacket. He 17 reached up and took my hand. And, you know, was just 18 talking. He didn't appear to be injured. There was no 19 blood, no loss of consciousness, that I was aware of. He 20 was chatting and joking. 21 Q. Okay. What was your understanding as to why he 22 had asked for you and Stacy to come to the scene? 23 A. I asked him that later. And he said that he knew 24 Liz would not be home and he didn't want to die alone. And 25 it only occurred to me when I was writing the statement for</p>	<p style="text-align: right;">Page 33</p> <p>1 Mr. Yarbenet in the hospital? 2 A. Our whole family. We went together. 3 Q. So your husband? 4 A. Um-hum. And my two daughters and I. 5 Q. Where was he hospitalized, do you recall? 6 A. I think it was Hamot, but I'm not sure. 7 Q. How long did you stay? 8 A. Probably half an hour. And I'm guessing. 9 Q. I understand that Mr. Yarbenet was out of school 10 for a period of time, a few weeks, and then came back 11 part-time. 12 A. Correct. 13 Q. Did you visit him at home after the accident? 14 A. Yes. 15 Q. And who was with you when you visited him at home? 16 A. I had talked to him on the phone. He had called 17 and he was telling me that he was very bored, he was 18 confined to bed, he had nothing to do. And I asked him if 19 he didn't watch TV or movies. And he said well, they didn't 20 have cable. I volunteered to make a videotape from the 21 Discovery Channel of things I thought might interest him. 22 I took it to his house. I dropped my daughter off 23 at her piano lesson. And I took it to the house. 24 Mrs. Yarbenet answered the door. And I explained what I had 25 brought. She gave me a big sigh (indicating), very</p>

9 (Pages 30 to 33)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 STACY S; and JOHN and :
4 MARY ELLEN S., on behalf :
of their daughter, LEIGH :
5 ANN S., a minor, :
Plaintiffs :
6 vs. : Civil Action No. 04-150E
7 GIRARD SCHOOL DISTRICT; :
ROBERT SNYDER, : HONORABLE SEAN J. MC LAUGHLIN
8 Individually and in his :
capacity as Principal of :
9 the Rice Avenue Middle :
School; and GREGORY :
10 YARBENET, a professional :
employee of the Girard :
11 School District, :
Defendants : Jury Trial Demanded

9 For the Plaintiffs:

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3 120 West Tenth Street
 Erie, PA 16501

<p style="text-align: right;">Page 232</p> <p>1 are the girlfriends whose mothers he remained close to. He 2 was adamant that we continue contact after he moved to 3 Arizona." Is the "he" in that sentence Yarbenet? 4 A. Yes. 5 Q. Was he telling you he was thinking about moving to 6 Arizona? 7 A. Yes. He told me that they had purchased property 8 and were in the process of building a home. And if you look 9 above it, it said, "Remained close with mothers." And these 10 were notes that I made myself about Yarbenet. 11 Q. These are things you had talked about with 12 Yarbenet. 13 A. Some of them, yes. This -- he told me that he 14 had -- that he had friends around the world, and that he had 15 many, many close friends, and that he had remained close 16 with the mothers of all of his old girlfriends. At the time 17 I was thinking, of course, he meant when he was in high 18 school and college. When I was writing this, I was 19 speculating perhaps he's talking about other girls he had 20 sexually molested. And that he became close with their 21 mothers too, as a way of clouding issues. 22 Q. That was your speculation. 23 A. That's my speculation. The other part, he was 24 adamant we continue contact after he moved to Arizona. He 25 even said he was going to find a way to fly me out there so I</p>	<p style="text-align: right;">Page 234</p> <p>1 find -- I mean, I hate to -- 2 MR. OLDS: I'm certain that it involved 3 conversations that she had with us. 4 MR. LANZILLO: Okay. 5 MR. OLDS: But we'll give you a privilege -- 6 MR. LANZILLO: Privileged log on that? 7 MR. OLDS: Yeah. But I'm certain that that's what 8 it was. 9 THE WITNESS: I agree. 10 Q. On Page 120 there is a reference, "Yarbenet picked 11 up girls to drive them to school in his Corvette. Also took 12 them home." Were those students other than Stacy? 13 A. Yes. 14 Q. Okay. Did you see that? 15 A. No. That was told to me by -- and I'm sorry, but 16 I really honestly don't remember which teacher told me that. 17 Q. Okay. You were aware that Yarbenet gave Stacy 18 rides in his Corvette to and from school. 19 A. He called me and said she had missed the bus one 20 day, could he take her home. And I said, thank you, that 21 would be great. Maybe not those exact words, but I gave him 22 permission to take her home that day. I found out by 23 accident he took her home the next day too, without calling 24 for permission. And I put a stop to that. 25 Q. Did Yarbenet ever ride Stacy in his car on other</p>
<p style="text-align: right;">Page 233</p> <p>1 could see the property that they were -- the property that 2 they had bought and the house that they were constructing. 3 Q. On Page 113, last entry, there's a reference to an 4 MB. Who is that? 5 A. Marnie Boyce (phonetic). 6 Q. Who is that? 7 A. She is a learning support or Title 1 -- I think 8 it's Title 1 teacher at the elementary school who was at the 9 middle school at the time Stacy was there. 10 Q. So you speculate -- you thought she may have been 11 spying on you? 12 A. Yes, she was -- she even apologized for being very 13 nosy. She said, I know this is none of my business. And 14 she asked me frequent questions. And then the day that she 15 asked me about this, she -- the look on her face was such 16 shock that I thought, oh, my, I bet I've been talking to the 17 enemy. And maybe not. I may have misjudged her. Maybe she 18 was just surprised that I would have contact with people who 19 weren't supposed to be talking to me. 20 Q. On Page 116 there are redactions. 21 MR. LANZILLO: I was hoping you would bring the 22 original, Ed. I need to know the basis for the 23 redactions. 24 MR. OLDS: Okay. We'll provide you that. 25 MR. LANZILLO: Okay. Is there any way you could</p>	<p style="text-align: right;">Page 235</p> <p>1 occasions? 2 A. School functions. 3 Q. And you were aware of that, right? 4 A. Yes. 5 Q. Okay. And that was okay with you. 6 A. There were other children there too. He was going 7 to a TV studio field trip. 8 Q. You say here on the next page, 121, "Yarbenet had 9 videotape of Stacy at home." 10 A. Yes. 11 Q. What videotape was that? 12 A. He had a videotape of her at the TV studio. One 13 of -- I guess they videotaped the productions they did. And 14 he was laughing. He said, you've got to see this, you know, 15 you won't believe how angry Stacy gets. Because she's 16 usually so controlled. He turned the tape on. And the desk 17 was fit into a corner. So the kids behind the desk had to 18 get over the desk or move around the corner to get out. 19 The broadcast ended, and she was up over the 20 table. She jumped up and ran over the table and ran out of 21 the room. And he laughed, and he thought that was so funny. 22 He made me watch it three times. He said, I bet you didn't 23 know she could get this upset. And I said, what was the 24 problem. He said, she was having a fight with one of her 25 friends. I know now she was trying to get away from him.</p>

13 (Pages 232 to 235)

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1 And why he thought that was funny is beyond me.
 2 Q. Why do you say you know now she was trying to get
 3 away from him?
 4 A. Because now I know that -- you know, it wasn't a
 5 fight she had with a friend. She was trying to get away
 6 from him. And he thought that was amusing. Because he's a
 7 sick, sorry --
 8 Q. But I'm confused. All right. So he's showing you
 9 a videotape. Where are you looking at it?
 10 A. At his home. He called me to come to his home.
 11 He said he had something he wanted to show me.
 12 Q. Okay. The fact that he had a videotape of Stacy
 13 at his home, that was okay with you?
 14 A. I guess I didn't know that he didn't take these
 15 tapes home and review them. I don't know.
 16 Q. Was he in the video?
 17 A. He was the one doing the videoing.
 18 Q. Okay.
 19 A. He was doing the taping.
 20 Q. Was anyone else in the video?
 21 A. Yes. There was a boy sitting beside Stacy which
 22 blocked her exit.
 23 Q. So Yarbenet is behind the camera videotaping Stacy
 24 and a boy sitting behind the table.
 25 A. Yes.

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1 Q. Mrs. S. [REDACTED], please, just tell me the name of the
 2 teacher so that I can do my job and follow up on what you
 3 said.
 4 MR. OLDS: Well, you asked her in the first
 5 deposition.
 6 A. You have it already. I'm not going to say it
 7 again. You have that information. I answered that under
 8 duress the first time.
 9 Q. Mrs. S. [REDACTED], I didn't have your notes then. I
 10 don't know whether it's the same person.
 11 A. It is.
 12 Q. But, you know, I'm going to go back to the
 13 transcript. We can take an hour for me to find what you're
 14 talking about. And when I pick up the transcript, I'm going
 15 to ask you the name, is that the same person. We could make
 16 this a lot faster and a lot easier for all of us if you
 17 would just tell me the name so I can follow up --
 18 A. Linda Beam. Thank you.
 19 Q. Thank you. The next entry, "A teacher also gave
 20 me the name V. P. [REDACTED]."
 21 A. And I spelled it incorrectly there.
 22 Q. That's all right. Who is the teacher there?
 23 A. Marcia Heath.
 24 Q. Okay.
 25 A. And for the record, Linda Beam was not one of the

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1 Q. At some point she gets up. And then she goes over
 2 the table and runs out.
 3 A. When the broadcast is over, she jumped up on the
 4 table, over the table, and out of the room. She was fleeing
 5 the room.
 6 Q. Okay. So this wasn't something you discovered
 7 after the fact. This is something you were aware of while
 8 Stacy was -- still had Yarbenet in school, correct?
 9 A. Yes.
 10 Q. On Page 122, in the middle, there's a reference
 11 here to, "An anonymous teacher gave me the name of [REDACTED]
 12 [REDACTED]."
 13 A. Yes.
 14 Q. Who is the anonymous teacher?
 15 A. You already made me give that answer in my first
 16 deposition.
 17 Q. Refresh my recollection, please.
 18 A. I prefer not to.
 19 Q. Well, I'm going to insist that you do. Tell me
 20 who the anonymous teacher is. I really don't want to play
 21 games.
 22 A. I don't either. It doesn't make any difference.
 23 This teacher -- I promised her I would not use her name.
 24 And you're making me go back on all these promises, and I
 25 truly hate it.

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1 ones who told me she was afraid of being fired, but I
 2 intended to keep her confidential statement confidential.
 3 Q. Did you ever talk to K. [REDACTED]
 4 A. No.
 5 Q. Ms. Beam, did she tell you where she got the name
 6 [REDACTED]
 7 A. I'm not Ms. Beam.
 8 Q. Did Ms. Beam tell you --
 9 A. Yes, she did.
 10 Q. All right. Where did she tell you she got that
 11 name?
 12 A. From her son.
 13 Q. Okay. Did she tell you when she got that name?
 14 A. Yes. After the news came of the arrest. And she
 15 was -- she told me how sorry she was. She had Stacy as a
 16 student, and she was very fond of her. She talked to her
 17 son. And he said, if Stacy is a victim, then this girl was
 18 too.
 19 Q. Did you ever talk to K. B. [REDACTED]
 20 A. No.
 21 Q. Did you have any idea how she feels about people
 22 bantering her name around like this?
 23 A. No. The police tried to locate her. And unless
 24 you're giving out her name, that's the only way, because I
 25 haven't, except to you.

1 day, people would vent, it's just natural. And I didn't
 2 want any of the negative -- negative environment phasing me
 3 on how kids were.

4 I don't live in Girard, I've purposely not moved
 5 to the community, because, again, I want to know the kids
 6 from my own perspective.

7 Q. So you talked with Mrs. Seneta over a period of
 8 time --

9 A. Uh-huh.

10 Q. -- did she tell you that she had observed Yarbenet
 11 and Stacy in the closet behind her room?

12 A. No.

13 Q. She never told you that?

14 A. She told me that there were kids in that room all
 15 the time and that there was a bar -- a chin-up bar, in the
 16 room at one point in time. And I know one time when we were
 17 having lunch and there was noise in the back room and I
 18 said, what's that. And she said, oh, he just always lets
 19 the kids back there.

20 Q. But she never told you that she had found Yarbenet
 21 and Stacy alone in the back room?

22 A. I do not believe so.

23 Q. And so she didn't tell you that she found them
 24 numerous times alone in the back room?

25 A. No. No. No.

1 faculty room and whatnot, Mrs. K. came to my room -- Mrs.
 2 Kwiatsowski came to my room and said that --

3 Q. Karen Kwiatsowski?

4 A. Yes. That I was needed in the office. And
 5 Mr. Snyder and Mr. McClelland were in the office and they
 6 asked me questions. And so what I wrote here was in
 7 response to questions that they asked me.

8 Q. Okay. And do you know why they were asking you
 9 questions?

10 A. Yeah, because I knew that Mr. Yarbenet had been
 11 arrested.

12 Q. Right.

13 A. So then -- I recalled things, you know, that
 14 didn't seem important before.

15 Q. Okay. Do you know why they -- why they had you
 16 come down to the office?

17 A. No -- well, probably because I was an 8th grade
 18 teacher and because Stacy was in my study hall and left
 19 often to go to Mr. Yarbenet's room.

20 Q. Had you told that to Mr. Snyder before?

21 A. I had told Mr. Snyder, not specifically -- I don't
 22 believe specifically about Stacy, but when I came back from
 23 the high school as a teacher and we were in the new
 24 building, all kids, every study hall, kids would say, can I
 25 go to Yarb's room, can I go to Yarb's room, and I would be,

1 Q. Did she ever tell you that she found them in the
 2 back room with the lights off?

3 A. She told me that kids would be in the back room
 4 with lights off, that there were -- that there wasn't always
 5 lights on back there. She had items stolen from her back
 6 room. She did tell me about one incident that she heard
 7 Yarbenet and Stacy talking about.

8 Q. What did she tell you?

9 A. Something about being down by the -- being at a
 10 beach and water being sprayed on them.

11 Q. Okay.

12 A. But it had nothing to do with the back room.

13 Q. Do you remember anything else about that
 14 conversation, the significance of that conversation?

15 A. This was after Mr. Yarbenet was arrested, too.
 16 No. Just that they thought it was funny and that she found
 17 no humor in it.

18 Q. Okay. Do you recall that you prepared a
 19 statement?

20 A. Yes.

21 (Tucci Deposition Exhibit No. 1 marked for
 22 identification.)

23 Q. I'm going to show you that statement and mark that
 24 as Exhibit No. 1. Why did you prepare this statement?

25 A. After lunch that day, like everybody was in the

1 no. And I asked Mr. Snyder if I had to send those kids, and
 2 he said, not unless they have a pass. So I know, at least
 3 twice, I had asked the office whether kids could just go to
 4 Yarb's room because they wanted to go.

5 Q. Okay.

6 A. And he told me only if they had a pass.

7 Q. Okay. Well, did Stacy have passes to go to
 8 Yarbenet's room?

9 A. Yes. I believe we were using agenda books, and
 10 she would have Mr. Yarbenet's signature.

11 Q. Which other students had passes from Mr. Yarbenet
 12 to go to his class in your 8th grade study period?

13 A. The same time as her?

14 Q. Yes.

15 A. I have not looked at the yearbook, and maybe Stacy
 16 would be able to tell you, it was one of the other class
 17 officers with blonde hair in the -- she was in the honors
 18 algebra class, her name may have been C____ and I don't know
 19 the last name. But I believe that she went with Stacy
 20 often.

21 Q. And did you ever talk to Mr. Snyder about Stacy
 22 having passes to go to Yarbenet's class?

23 A. No, not from my recollection.

24 Q. Okay. Well, Stacy was -- did you ever have
 25 questions yourself as to why Stacy would have passes to go

1 to Yarbenet's class?
 2 A. I asked them and they told me they helped him
 3 grade papers and do stuff.
 4 Q. Was this on a daily basis that she would have a
 5 pass?
 6 A. Almost. I would believe almost daily.
 7 Q. Did C [REDACTED] leave almost daily?
 8 A. I -- maybe. I don't know. I don't recall.
 9 Q. You don't recall?
 10 A. I don't recall.
 11 Q. Was there any other teachers who issued passes to
 12 students on a daily basis to come to their classroom?
 13 A. Not to my recollection, but I know that I have
 14 done that. I had a girl, who during my plan period, every
 15 single day, I signed and she came down and helped me do
 16 paperwork. But I don't recall -- I mean, I don't know if
 17 any other teachers do it. I can speak for myself and I can
 18 speak for what happened when I had Mr. Yarbenet's signature.
 19 Q. What year was this that you had a young lady come
 20 help you?
 21 A. I did that for a number of years.
 22 Q. So there would be different students every year?
 23 A. Uh-huh. Who would be willing to come down during
 24 my plan period and help me.
 25 Q. And you would secure their release out of a study

1 she was sitting at the table with papers in front of her.
 2 And I don't -- I, still, to this day, have never been in
 3 that room, so I don't know how big the room was and if other
 4 people were there or not.
 5 Q. You wrote in this statement, quote, "Stacy was the
 6 only person in the studio with him," end quote.
 7 A. That I had seen.
 8 Q. That's what you wrote.
 9 A. Okay.
 10 Q. So now you're saying today that you didn't --
 11 there might have been other people there, but you just
 12 didn't see them; is that what you're saying today?
 13 A. Yes. I have no way of knowing whether there was
 14 or not. Stacy was the only person I saw with him.
 15 Q. Okay. And you say you weren't in the room so you
 16 don't know how big the room was.
 17 A. Yeah.
 18 Q. Did you hear anyone else in the room?
 19 A. No.
 20 Q. Did anyone else say, hi, Ms. Tucci?
 21 A. No.
 22 Q. And you say, "I must have looked surprised because
 23 Mr. Yarbenet said something to the effect that they were
 24 getting ready for the morning show." Were you surprised to
 25 see the two of them in that room?

1 hall or something like that?
 2 A. Yes. And actually Stacy helped me grade papers,
 3 too. There would be times when she would stay and help me
 4 grade papers.
 5 Q. In your statement you say that Stacy also told me
 6 that they attended the same church and that their families
 7 were friends.
 8 A. Uh-huh.
 9 Q. When did she tell you that?
 10 A. You know, I don't know that specifically Stacy
 11 told me or maybe other people told me. I read that and I'm
 12 like not positive if Stacy told me, but it was just -- it
 13 was just known that Mr. Yarbenet was a Jehovah's Witness and
 14 that Stacy was also.
 15 Q. Okay. And was it known that their families were
 16 friends?
 17 A. Yeah. I don't know how I received that
 18 information.
 19 Q. Okay. Also your statement says that one day I
 20 needed to make sure that some information got on the morning
 21 announcements and you went to the TV studio, the door was
 22 shut, and Mr. Yarbenet answered the door, and Stacy was the
 23 only person in the studio with him.
 24 A. She was the only person I saw. Because when you
 25 open up the door, the door opened and the table was here and

1 A. I don't know if I was surprised or if -- I felt
 2 that they were ready to begin the announcements and that I
 3 was interrupting the announcements. That maybe they opened
 4 the door and it interfered with what the rest of the school
 5 was seeing with the announcement because it was just minutes
 6 before they broadcasted it to the rest of the school.
 7 Q. And in your statement you said it was about five
 8 minutes before the a.m. homeroom.
 9 A. Uh-huh. Because I had gone downstairs and tried
 10 to give it to the secretary and the a.m. bell rang for
 11 homeroom. And I walked upstairs, so I think that's like
 12 five minutes.
 13 Q. So you walked upstairs. Where was the TV studio
 14 relative to your classroom?
 15 A. There's my classroom, I had to walk all the way
 16 down the hall, and then up the steps to the music area, and
 17 it was in the music room.
 18 Q. So it was on the opposite end of the building?
 19 A. Correct. And I had to come from the office, also.
 20 Q. And do you recall whether you got back to your
 21 room in time for the a.m. homeroom?
 22 A. I didn't have a homeroom. I didn't have kids for
 23 homeroom, so I didn't have the TV on. I don't know.
 24 Q. So getting back to whether you were surprised or
 25 they were surprised, were you surprised to see them in that

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 STACY S; and JOHN and :
4 MARY ELLEN S., on behalf :
5 of their daughter, LEIGH :
6 ANN S., a minor, :
7 Plaintiffs :
8 :
9 :
10 vs. : Civil Action No. 04-150E
11 :
12 :
13 GIRARD SCHOOL DISTRICT; :
14 ROBERT SNYDER, : HONORABLE SEAN J. McLAUGHLIN
15 Individually and in his :
16 capacity as Principal of :
17 the Rice Avenue Middle :
18 School; and GREGORY :
19 YARBENET, a professional :
20 employee of the Girard :
21 School District, :
22 Defendants : Jury Trial Demanded
23 :
24 :
25

13 Deposition of EDWARD PODPORA, JR., taken before and
14 by Carol A. Holdnack, RPR, Notary Public in and for
15 the Commonwealth of Pennsylvania, on Monday,
16 June 27, 2005, commencing at 11:15 a.m., at the
17 Girard Police Department, 34 Main Street West,
18 Girard, PA 16417.

19 For the Plaintiffs:
20 Edward A. Olds, Esquire
21 Carolyn Russ, Esquire
22 1007 Mount Royal Boulevard
23 Pittsburgh, PA 15223
24 For the Defendants Girard School District and Robert Snyder:
25 Richard A. Lanzillo, Esquire
 Knox McLaughlin Gornall & Sennett, P.C.
 120 West Tenth Street
 Erie, PA 16501

24 Reported by Carol A. Holdnack, RPR
25 Ferguson & Holdnack Reporting, Inc.

<p style="text-align: right;">Page 14</p> <p>1 was a victim or an alleged victim. She did come on station. 2 When I reported it to the District Attorney's office, they 3 politely just told me, don't dig for them, just the ones 4 that would come forward to investigate. I was advised not 5 to dig for victims.</p> <p>6 Q. Do you recall the name of the person who came into 7 the station?</p> <p>8 A. I do.</p> <p>9 Q. What is that?</p> <p>10 A. Okay. Her name is H████████████████████. I don't 11 know how it's spelled.</p> <p>12 Q. Okay.</p> <p>13 A. She wished not to be included in the report. She 14 had some very tragic circumstances growing up, and wanted to 15 advise me of information but did not want to take part in 16 the investigation.</p> <p>17 Q. Okay. Do you recall what she advised you?</p> <p>18 A. That she was a victim of fondling and 19 inappropriate behavior by Mr. Yarbenet.</p> <p>20 Q. Did you talk to her mother, her adopted mother, 21 K████████████████████?</p> <p>22 A. Yes, I did.</p> <p>23 Q. And was this -- okay. What did Kelly tell you?</p> <p>24 A. She advised that H████████████████████ had come to her on, I 25 believe, one or two occasions and advised her of the</p>	<p style="text-align: right;">Page 16</p> <p>1 weren't victims but who offered information about Yarbenet? 2 A. I had a -- I believe the name is Cindy Scott. 3 Cindy Scott had called to report she had been a chaperone at 4 a school function at the Pleasant Ridge Manor.</p> <p>5 Q. And what did she say?</p> <p>6 A. She said she noticed Mr. Yarbenet walking around 7 with a young lady, holding hands, arms around each other. 8 She realized that she was a student, but that she felt that 9 the contact was very inappropriate for a man his age and a 10 student as young as she was. And she also stated that she 11 reported it to Ms. DeMarco also. And was advised -- not 12 that she was a liar, but that Mr. Yarbenet was just a 13 friendly, likeable guy.</p> <p>14 Q. Did you ever talk to Gayla DeMarco?</p> <p>15 A. No, I did not.</p> <p>16 Q. Is there a -- was she just outside the scope of 17 the investigation, or was this after the District Attorney 18 told you you don't need to do any digging?</p> <p>19 A. I had been given a list of young ladies that 20 teachers and hall monitors and so forth felt might be 21 victims or witnesses. And it was quite lengthy. I 22 concentrated my efforts on investigating those names.</p> <p>23 Q. Yeah. I was just -- the -- you received a list 24 from other -- from teachers?</p> <p>25 A. There's a Mrs. Kwiatkowski.</p>
<p style="text-align: right;">Page 15</p> <p>1 inappropriate behavior by Mr. Yarbenet. Both Kelly, H████████████████████ 2 and I believe there was another girl, a friend that 3 accompanied them, went to the guidance counselor at the Rice 4 Avenue Middle School to report the behavior.</p> <p>5 Q. That would be Ms. DeMarco?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. What did they tell you about that?</p> <p>8 A. She advised that when they advised her of it, she 9 just kind of skirted it off and said, he's just a nice guy. 10 And that she believed that Ms. B████████████████████ was lying.</p> <p>11 Q. Okay. So Gayla DeMarco -- Kelly K████████████████████ told you 12 that Gayla DeMarco told her that Yarbenet was just a nice 13 guy and that her daughter was lying.</p> <p>14 A. That's what I was told, yes.</p> <p>15 Q. Okay. And were there any other people who 16 contacted you, any other victims that contacted you that you 17 can recall?</p> <p>18 A. No other victims that contacted me, no.</p> <p>19 Q. But H████████████████████, she came in to see you at 20 the station?</p> <p>21 A. Correct.</p> <p>22 Q. Do you recall how old she was at that time?</p> <p>23 A. I believe she was 19 or 20. She -- young, single 24 mother.</p> <p>25 Q. Did you receive any contact from people who</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Okay.</p> <p>2 A. She gave me a list of young ladies that she felt 3 that Mr. Yarbenet was too friendly with.</p> <p>4 Q. Okay. And how did you -- how were you put in 5 touch with Ms. Kwiatkowski?</p> <p>6 A. I believe Sergeant VanDamia at the time had 7 obtained -- he had went to the middle school prior to that 8 and spoke to some of the teachers, and asked them for 9 statements. And through those statements, the list of names 10 was taken.</p> <p>11 Q. Okay. You also -- at some point you visited our 12 other client, Leigh Ann S████████████████████. Did you visit her at 13 her home or her family at her home?</p> <p>14 A. Correct. She was one of the young ladies that I 15 was to look into or interview. Went to the residence and 16 spoke with her and her parents one evening.</p> <p>17 Q. It looks like that happened on -- it says in your 18 report -- and I'm looking at 1076. Your report says on 19 April 10th, 2002 you went to speak to Leigh Ann S████████████████████. 20 And she said that -- Leigh Ann; you have her saying that the 21 Defendant would hug her and say that he loved her, but that 22 was all. Do you see --</p> <p>23 A. Okay. You're talking the last -- the last half of 24 the last paragraph.</p> <p>25 Q. Right, yeah.</p>

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Page 18	Page 20
<p>1 A. Okay. At that time she denied inappropriate 2 behavior. Okay. And she said he would hug her and say he 3 loved her, that was all.</p> <p>4 Q. Okay. Do you remember how you got her name?</p> <p>5 A. I believe that was on one of the statements -- 6 from one of the teachers. I think Mrs. Werling. I believe 7 it was on one of her statements. I believe so. I'm not 8 sure. But went to the home. Spoke to her. At that time 9 she denied any inappropriate behavior.</p> <p>10 Q. Did you talk to her? Did you explain to her 11 parents on that occasion how you got her name and why you 12 were there?</p> <p>13 A. I believe I probably did.</p> <p>14 Q. And what was her -- do you recall her demeanor on 15 that occasion?</p> <p>16 A. Well, being a father, and being a police officer, 17 I did not believe she was telling me the whole truth at that 18 point. In fact, I came back to the station and opened a 19 file myself, believing that some day I would have her as a 20 victim.</p> <p>21 Q. Okay.</p> <p>22 A. But I didn't talk to her until later, until her 23 investigation.</p> <p>24 Q. Okay. And then later on, she actually did become 25 a victim, correct?</p>	<p>1 Yarbenet, did you, or anyone in the Yarbenet family?</p> <p>2 A. No, I did not.</p> <p>3 Q. Okay. At Page 1082 of your report, that's where 4 you start talking about some of the other girls that you 5 interviewed. And you say that the girls' names had been 6 provided by teachers at the Rice Avenue Middle School as 7 girls they thought the Defendant was close to. I know that 8 Sergeant VanDamia, or Chief VanDamia now, interviewed 9 teachers at the school. You talked to Karen Kwiatkowski.</p> <p>10 A. Correct.</p> <p>11 Q. Did you ever have occasion to talk to any of the 12 other teachers?</p> <p>13 A. I would have to really read this.</p> <p>14 Q. It doesn't indicate that you did on the report.</p> <p>15 But I wonder if you did and maybe it didn't get to the 16 report.</p> <p>17 A. No, it states -- I remember, it does state in here 18 that Sergeant VanDamia had spoken to them. And when I went 19 there the day to photograph the room, they were given to me 20 at that time to bring back to the station. I think on the 21 second victim, I had spoken to Mrs. Werly -- or Werling, 22 because she was a neighbor to the second victim.</p> <p>23 Q. And that would be in April of 2002 when the 24 investigation first happened, or in December?</p> <p>25 A. No, it would have been the second investigation.</p>
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Amy Marie Nuzback

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 STACY S; and JOHN and :
 4 MARY ELLEN S., on behalf :
 5 of their daughter, LEIGH :
 6 ANN S., a minor, :
 7 Plaintiffs :
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Stacy S. v. Girard School District, et al.

Amy Marie Nuzback

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 2 I N D E X AMY MARIE NUZBACK Direct Examination by Mr. Olds 3 EXHIBITS: Nuzback Deposition Exhibit 1 10	Page 4 1 Q. And you've been employed there nine years, so your 2 start date would be about '96/'97? 3 A. Yes, August of '96. 4 Q. Okay. And do you recall whether either Stacy or 5 Leigh Ann was in your room or taught by you? 6 A. Leigh Ann S. [REDACTED] was my student in sixth grade 7 reading as well as study hall. 8 Q. Okay. Where is your room located in the building? 9 A. On the north end of the building. 10 Q. Where? 11 A. On the second floor. 12 Q. Second floor? 13 A. My room number is 215. 14 Q. Where was Mr. -- I assume that you knew 15 Mr. Yarbenet? 16 A. Yes. We were on the same grade level. 17 Q. And where was his room relative to yours? 18 A. Down the hall and around the corner, on the same 19 floor. 20 Q. Did you have -- can you tell me what interaction 21 you had with Mr. Yarbenet. 22 A. We had grade level meetings together on Friday 23 mornings. We had the same lunch period, but he typically 24 did not eat lunch in the faculty room. So, basically, grade 25 level meetings as well as faculty meetings.
	Page 3 1 A M Y M A R I E N U Z B A C K, first 2 having been duly sworn, testified as follows: 4 DIRECT EXAMINATION 5 BY MR. OLDS: 7 Q. Good morning, Ms. Nuzback. How are you? 8 A. Good morning. Good, thank you. 9 Q. I'm Ed Olds. I represent Stacy S. [REDACTED] and Leigh 10 Ann S. [REDACTED] who have sued the Girard School District and 11 Robert Snyder arising out of events concerning Gregory 12 Yarbenet. And I wanted to take your deposition to see if 13 you had any knowledge about those events. Okay? 14 A. Yes. 15 Q. For the record, would you state your full name and 16 your address. 17 A. My name is Amy Marie Nuzback. I live at [REDACTED] 18 [REDACTED] in Girard, Pennsylvania. 19 Q. Okay. And are you employed by the Girard School 20 District? 21 A. I am. 22 Q. How long have you been employed? 23 A. Nine years. 24 Q. And where -- which grade do you teach? 25 A. I teach sixth grade language arts.	Page 5 1 Q. Did you typically eat lunch in the faculty room? 2 A. Yes. 3 Q. Going back to the period from 1998 to, say, 2002, 4 that time period, did you typically eat lunch with the same 5 faculty members? 6 A. Um-hum. 7 Q. Who else was in the faculty room? 8 A. Sandy Donnelly. She's the person I typically sat 9 with. Various other sixth grade team members would come and 10 go, but we traditionally ate lunch in the faculty room 11 together. 12 Q. Okay. And did you socialize with Yarbenet outside 13 of the school? 14 A. No. 15 Q. Did you ever see him in terms of him conducting 16 classes? 17 A. No, I never observed his classroom. 18 Q. During the break when the students would go from 19 one class to another, would you be able to observe him from 20 your vantage point at your class? 21 A. No. 22 Q. And what did you know about him as a teacher? I 23 mean, what was your impression of him? 24 A. Very personable with students. Friendly. I knew 25 that he was involved with the morning news program, and

2 (Pages 2 to 5)

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<p style="text-align: right;">Page 6</p> <p>1 proctored that extracurricular. I knew that he was involved 2 with NASA, and kites, and flying, and things like that. 3 Q. How did you know that he was involved with NASA? 4 A. In his classroom there's a mural of the moon. And 5 he had various other models of planes and things like that, 6 that students were excited to learn about. 7 Q. And did you ever talk to him about his NASA 8 involvement? 9 A. Not in great detail, no. 10 Q. In any detail? 11 A. No. 12 Q. Did you ever talk to him at all? 13 A. I imagine, you know, that we had small talk before 14 and after meetings, but no private conversations. 15 Q. Did you ever -- were you ever part of any faculty 16 conversations or did you ever hear any conversations where 17 faculty members discussed any of Yarbenet's idiosyncrasies? 18 MR. LANZILLO: Objection to form. You may answer 19 when I object. That's just for the record. 20 A. Okay. No. 21 Q. In other words, did you ever hear any gossip about 22 him? 23 A. No. I traditionally -- I tried to stay out of the 24 gossip. My sixth grade lunch group was very small. As I 25 mentioned, I had one friend who's a sixth grade math</p>	<p style="text-align: right;">Page 8</p> <p>1 A. At the time it was sixth grade reading, but yes. 2 Q. Sixth grade reading, okay. And was she a sixth 3 grader when she was in your study hall also? 4 A. Yes. 5 Q. Okay. What kind of student was Leigh Ann? 6 A. Leigh Ann was a straight-A student, very 7 conscientious student. 8 Q. And did you know whether Leigh Ann was a friend 9 with Yarbenet? 10 A. I knew that Leigh Ann was on the TV studio team, 11 or whatever it would be called. But, yes, I knew that she 12 helped to present that. I knew this because TV 13 announcements were done on the television every morning, and 14 I observed her giving the news. 15 Q. Okay. Did you -- did Leigh Ann leave either one 16 of your -- either your reading class or the study hall to go 17 to Yarbenet's room? 18 A. She left my study hall. It was -- it is School 19 District or building procedure that a student is permitted 20 to leave a study hall with a pass written from the teacher 21 they're going to see. And she had passes from Mr. Yarbenet 22 to go to his room. She had to okay that with me first for 23 attendance purposes. As well as her study hall proctor, I 24 needed to make sure that she didn't have other work to do. 25 Her study hall was, I'm going to say, third period</p>
<p style="text-align: right;">Page 7</p> <p>1 teacher. We ate together, talked about our children, talked 2 about our own personal lives. I really wasn't too up on 3 gossip. 4 Q. Did the kids ever talk about Yarbenet? 5 A. Other than the NASA -- NASA, you know, things that 6 he would bring in and things like that they were excited 7 about, no. 8 Q. Did you ever hear them talk about him and his 9 having relationships with students? 10 A. Absolutely not. 11 Q. Did you ever see him touch a student? 12 A. No. 13 Q. Did you ever see him interact with students in the 14 hallway? 15 A. What do you mean by interact? 16 Q. Well, interact. I mean, be around students. What 17 did he do when he was around students in the hallway? 18 A. Nothing out of the ordinary. 19 Q. But you did observe him interacting with students? 20 A. Speaking with them, yes. 21 Q. Okay. Did you have any knowledge about whether 22 students congregated in his classroom? 23 A. No. 24 Q. Okay. You had Leigh Ann for study hall in sixth 25 grade language arts?</p>	<p style="text-align: right;">Page 9</p> <p>1 but it was early in the day. So she typically did not have 2 other homework to do. Being a straight-A student, she was 3 caught up with her work. So I permitted her to go there. 4 It was my assumption that she was going there to work on the 5 TV studio production for the following day. 6 Q. And how did that come to be your assumption? What 7 information did you have -- 8 A. I imagine she told me that, as well as the fact 9 that I saw her giving the news each day, and so that was her 10 reason for going there. 11 Q. Did Mr. Yarbenet ever come down to your room to 12 get Leigh Ann? 13 A. No. 14 Q. Now, she would have a hall pass; is that right? 15 A. We use an agenda book. 16 Q. Right. 17 A. So that she would have a notebook that he would 18 have signed a pass. And I would have seen a signature. And 19 then I would have signed it. 20 Q. Okay. 21 A. Indicating that she had checked in with me. 22 Q. And then were you also to keep a log of a hall 23 pass? 24 A. Right. 25 Q. Okay. How did you keep that log?</p>

3 (Pages 6 to 9)

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<p style="text-align: right;">Page 10</p> <p>1 A. I had a notebook. I have a notebook on top of my 2 file cabinet where students signed in their destination and 3 time and each day.</p> <p>4 Q. And did she go to Yarbenet's classroom each day?</p> <p>5 A. Very often she went there. I wouldn't say every 6 day. But I would say several times a week.</p> <p>7 Q. I want to show you a document that's been produced 8 for us.</p> <p>9 (Nuzback Deposition Exhibit 1 marked for 10 identification.)</p> <p>11 Q. Can you look at that and tell me if you've ever 12 seen that document before.</p> <p>13 A. Yes, I have.</p> <p>14 Q. And what is it?</p> <p>15 A. It's our teacher handbook.</p> <p>16 Q. And how -- were these given to you at the 17 beginning of each year?</p> <p>18 A. Yes.</p> <p>19 Q. And tell the circumstances of how that happened.</p> <p>20 A. Each teacher is given a copy typically on the 21 first day of school in a packet of materials.</p> <p>22 Q. Okay. Let me ask a question. You say that Leigh 23 Ann quite often left the classroom to -- and you knew she 24 was going to Yarbenet's class; is that right?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. And the matter under E, which I guess is the -- it 2 looks like it's the third page of this document. The third 3 page of this document says hall passes and procedures.</p> <p>4 A. Um-hum.</p> <p>5 Q. What did you understand the purpose of that rule 6 to be, the rule governing hall passes and procedures?</p> <p>7 A. For our students' safety, so that we were all 8 aware at any time where a student was, so the office was 9 aware. So that each teacher was accountable for where the 10 students assigned to them were.</p> <p>11 Q. Okay. It appears that under -- there's a 12 provision here that says when teachers can release a student 13 under 4; is that right?</p> <p>14 A. Um-hum.</p> <p>15 Q. Classroom teachers, study hall teachers and 16 supervisors may at any time issue on-the-spot passes using 17 discretions for the following areas." I'm looking at 18 Subtopic E. It says, "Classroom make-up work from study 19 halls using advanced passes." What did you understand the 20 language "using advanced passes" to mean?</p> <p>21 A. I understood that to mean that a teacher would 22 have to have signed that student's pass. In other words, if 23 Leigh Ann were to have come to me and said I would like to 24 go to Mr. Yarbenet's classroom and did not have a pass 25 signed from that teacher, I would not give her permission to</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. What other students did you release from study 2 hall as routinely as you released Leigh Ann?</p> <p>3 A. I'm sure that I can't remember. But anyone who 4 had a legitimate pass. Students would come in the room, I 5 would take attendance. Anyone who had a pass for a 6 legitimate purpose to go somewhere who did not have other 7 work to do was permitted to do so.</p> <p>8 Q. And -- well, do you recall whether -- you say 9 Leigh Ann went to Yarbenet's class frequently.</p> <p>10 A. Yes.</p> <p>11 Q. Do you recall whether any other student went as 12 frequently to any other teacher?</p> <p>13 A. I do not recall.</p> <p>14 Q. What was the -- when Leigh Ann presented this 15 pass, it would be a document signed by -- this agenda book, 16 it would be signed by Yarbenet?</p> <p>17 A. Um-hum.</p> <p>18 Q. Would Mr. Yarbenet have to say why Leigh Ann 19 should be released to go to his class?</p> <p>20 A. No.</p> <p>21 Q. The faculty handbook does have a section on hall 22 passes and procedures, right?</p> <p>23 A. Um-hum.</p> <p>24 Q. Is that right? Under E, I think.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 13</p> <p>1 do so. Because that would indicate that she didn't have 2 other work to do there.</p> <p>3 Q. Okay. But in issuing the pass, Mr. Yarbenet 4 didn't have to explain why he was issuing the pass.</p> <p>5 A. Correct.</p> <p>6 Q. Do you recall whether he issued passes for any 7 other girls in your study hall?</p> <p>8 A. I don't recall. There's usually a team of 9 students on the TV studio. And I know that Leigh Ann was 10 one member of that team. I cannot recall if there were any 11 other members of that studio in my third period study hall 12 that year.</p> <p>13 Q. What kinds of announcements did the -- were made 14 on the TV?</p> <p>15 A. Morning announcements. As far as they did 16 weather; they did, I think, the lunch for the day; the 17 Pledge of Allegiance; any other news that would be pertinent 18 to students for the day.</p> <p>19 Q. And exactly what did you think Leigh Ann was 20 working on when you released her to go to Yarbenet's 21 classroom?</p> <p>22 A. Well, I assumed they were working on the news for 23 the next day.</p> <p>24 Q. Did you think that she wrote the script, or what?</p> <p>25 I mean --</p>

4 (Pages 10 to 13)

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<p style="text-align: right;">Page 14</p> <p>1 A. There was written material. There were 2 backgrounds, there were backdrops, sometimes props. 3 Q. Do you know if Mr. Yarbenet had a class third 4 period? 5 A. I do not know. I assumed that he didn't because 6 he permitted her to come. And that was -- it was common 7 that sixth graders would have study halls the same time. 8 But not every teacher did. So I assumed that he didn't, but 9 I can't verify that. 10 Q. Okay. So, in other words, generally all the sixth 11 graders had third period study halls. 12 A. It was common. Because of electives like music 13 and art, that wasn't 100 percent of the time. But it was 14 common that teachers would have study halls at similar 15 periods. 16 Q. Do you know whether Mr. Yarbenet had study halls? 17 A. I -- whether he had study halls? 18 Q. Yeah, whether he was in charge of study halls. 19 A. I do not know. 20 Q. Now, did anyone ever ask to see your log? There 21 was a log kept. What happened to that log? 22 A. Well, I -- traditionally, with that log I would 23 keep it until the end of the school year and then dispose of 24 it. I can't recall if anyone took it. I don't think so. 25 Q. Okay.</p>	<p style="text-align: right;">Page 16</p> <p>1 building? 2 A. Right. 3 Q. And did you talk about that -- at some point you 4 must have learned why he was taken from the building; is 5 that right? 6 A. Yes. 7 MR. LANZILLO: Objection to form. Go ahead. 8 Q. And can you recall how you learned that? 9 A. No. 10 Q. Did you talk with any faculty members about what 11 Yarbenet had done after he was taken from the building? 12 MR. LANZILLO: Objection to form. 13 A. I'm not -- 14 MR. LANZILLO: You can go ahead and answer. 15 A. Okay. 16 MR. LANZILLO: My objections are just for the 17 record. 18 A. Okay. Did I talk with faculty members? 19 Q. In other words, was his situation a subject of 20 discussion? 21 A. Certainly. Certainly, we were aware of the fact 22 that he was taken from our building and suspended. 23 Q. Okay. And tell me what you recall hearing in that 24 faculty discussion. 25 MR. LANZILLO: Objection to form. Go ahead.</p>
<p style="text-align: right;">Page 15</p> <p>1 A. But I can't recall. 2 Q. You don't have it, right? 3 A. I do not. 4 Q. Did you have Leigh Ann for any classes after she 5 went to the seventh grade? 6 A. No. 7 Q. And you never had Stacy in a class? 8 A. No. 9 Q. Did you know Stacy? 10 A. No. 11 Q. Had you seen her on TV? 12 A. I don't know. Were you part of the news? Yeah, 13 okay. Because she wasn't my student, I may not have 14 recognized her. 15 Q. Okay. I would assume that at some point you 16 learned that Mr. Yarbenet had been either suspended or 17 arrested? 18 A. Um-hum. 19 Q. Is that right? 20 A. Um-hum. 21 Q. How did you find that out? 22 A. I think he was taken from our building, actually. 23 Q. Did you see it? 24 A. I did not. 25 Q. But you heard that he had been taken from the</p>	<p style="text-align: right;">Page 17</p> <p>1 A. What I recall hearing? 2 Q. What did people say? Did you say anything? 3 A. I have -- I had no firsthand information to add to 4 what happened, absolutely not. 5 Q. Did it occur to you that Leigh Ann was a victim? 6 A. No, absolutely not. 7 Q. Did you think, well, gosh, here I've been 8 releasing Leigh Ann to go to Yarbenet's science room during 9 study hall, I wonder if she was a victim? Did that occur? 10 MR. LANZILLO: Objection to form. Go ahead. 11 A. It did not occur to me. 12 Q. While you were at the school, did you ever attend 13 any training or was any training provided that dealt with 14 faculty sexual misconduct? 15 A. We -- I mean, other than teacher handbooks and 16 specific training? 17 Q. Right. On faculty sexual misconduct. 18 A. No. 19 Q. Would you have any idea what behavior to look for 20 in terms of perceiving or having a suspicion that faculty 21 sexual misconduct was occurring? 22 A. I would think so. 23 Q. What would you look for? 24 A. I would look for inappropriate touching, 25 inappropriate language. And I did not observe either one of</p>

5 (Pages 14 to 17)

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1	those things.	1
2	Q. Did you think it was appropriate that a sixth	2
3	grade student would spend numerous study halls with a	3
4	faculty member of the opposite sex in their room?	4
5	A. I thought it was appropriate because she was	5
6	working on a school activity which was produced every day.	6
7	Thus, the preparation would be needed every day.	7
8	Q. Did anyone from the Administration ever talk to	8
9	you to determine whether you had any knowledge of Yarbenet's	9
10	activity, his behavior?	10
11	A. Personally?	11
12	Q. Yes.	12
13	A. No.	13
14	Q. And when Yarbenet left the building when he was	14
15	suspended, did you have an idea -- did you learn or did you	15
16	have an idea who his victim was?	16
17	A. No.	17
18	Q. Did you ever hear students talking about who the	18
19	victim might be?	19
20	A. No.	20
21	Q. Did any of the faculty members that you knew	21
22	discuss with you who the victim was?	22
23	A. No.	23
24	Q. No one from -- and you say no one from the	24
25	Administration talked to you about whether you had any	25
Page 19		
1	information. Did anyone from the -- I take it that would	
2	include that no one from the Administration -- and when I	
3	say the Administration, I mean either the superintendent or	
4	the principal or vice principal. No one from the	
5	Administration asked you whether you had any suspicions as	
6	to whether there were any other victims of Mr. Yarbenet; is	
7	that right?	
8	A. I was not singled out and called to a private	
9	meeting. I, as a member of the faculty, certainly would	
10	have come forward with information and felt that anyone	
11	would have if they had any. I simply didn't have any.	
12	MR. OLDS: I don't have any other questions.	
13	MR. LANZILLO: I have no questions. Mrs. Nuzback,	
14	you have the right to review the transcript of	
15	your deposition that Carol will prepare, for	
16	accuracy. You have that right. It is not an	
17	obligation on your part. You can either review	
18	it, read it and review it, make sure that it's	
19	accurate, or you can waive that right. But you	
20	need to let Carol know today how you would like to	
21	proceed.	
22	THE WITNESS: Okay. I would like to review it.	
23	(Discussion held off the record.)	
24	THE WITNESS: 1121 Lawrence Court,	
25	L-A-W-R-E-N-C-E, Girard, PA 16417.	

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